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Fair-Weather Friends?  
Explaining Labor Union Support for Immigrants in Western Europe

By

Akasemi Nzinga Newsome

A dissertation submitted in partial satisfaction of the

requirements for the degree of

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in

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in the

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of the

University of California, Berkeley

Committee in charge:

Professor Margaret Weir, Chair

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Professor Kim Voss

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Abstract

Fair-Weather Friends?  
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Akasemi Nzinga Newsome

Doctor of Philosophy in Political Science

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Opposition among native workers to immigrants is well understood as a response to the economic and cultural instability caused by globalization. Increased capital mobility weakens the place-based leverage of strike action and collective bargaining, rendering unions susceptible to the protectionist concerns of native members. Yet, immigrant workers still join labor unions and turn to these organizations to improve working conditions and amplify their political voice. Little is known about the conditions underpinning pro-immigrant action by labor unions. This dissertation argues that when immigrant activists mobilize themselves, then partner with native trade unionists, they can pressure union leaders to support their concerns. By analyzing data from more than 120 in-depth interviews with trade unionists, employers, NGO-officials and politicians, conducted during 16 months of fieldwork in Denmark, Germany and the UK, I present evidence for the counterintuitive finding that weak, fragmented unions such as those in the UK more readily engage in pro-immigrant action than strong, encompassing unions such as those in Denmark and Germany. Combining cross-national and cross-sectoral observational and archival data with interviews, I explore three issue areas critical to the demands of immigrant union members: extreme right wing parties and movements, workplace discrimination, and job marginalization. Analysis of immigrant claims-making reveals that those immigrant activists who link their mobilization to the identity template prevalent in their host country, are better able to partner with native trade unionists and secure support from union leaders.

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“You have to be very careful talking about discrimination and integration because there are members in the Folkeparti<sup>1</sup>...if you just talk about integration, you will lose the members.”  
John Wallace, HK, Denmark<sup>2</sup>

“There are certain topics...that people don’t want to discuss...One of those issues is that of right extremism or the question, to what extent do we tolerate it in our own organization? Where do you start? It’s not just storm troopers going through the streets with Nazi slogans... and I could picture pretty clearly that the internal union discussion would very quickly lead to a loss of membership.”  
Artur Hoch, Ver.di, Germany<sup>3</sup>

“To a certain degree, old staunch activists think migrants are here to take the jobs. Why put resources aside?”  
Riley James, UNISON, UK<sup>4</sup>

## **Chapter 1. How Agency and Alliances Elicit Pro-Immigrant Action**

### **The Dangers of Supporting Immigrants for Unions**

Unions risk the loss of conservative members if they come to immigrants’ aid by addressing immigrants’ concerns about issues such as discrimination, the far right and job marginalization. This much is clear from the quotes opening this chapter. Yet, despite the organizational threat open support for immigrants poses to unions, at times, unions still support immigrants. Numerous examples of such support abound. South Asian food processing workers suffering from high injury rates on the job found support from British trade unions such as the GMB (Britton 2006; TUC 2006). Undocumented African immigrants turned to German public sector union Ver.di for aid in securing the right to abode (Ver.di 2013; Twickel 2014). Filipino au pairs found backing from Danish trade unions such as the public sector union, FOA, in resisting abusive working conditions (Stenum 2008; Lübbers 2012; Kamil 2015). Yet, scholars still struggle to understand when immigrant workers can count on support from labor unions. This dissertation argues that when immigrant activists exercise agency by mobilizing and partnering with native allies, they can pressure union leaders to support their concerns. However, the ability of immigrant activists to mobilize depends on building identities that resonate with distinctive national contexts. History, law and policies resulting from past struggles for inclusion unique to each national context serve as a resource for immigrant activists on the brink of mobilization.

For much of their history, labor unions in Europe have oriented themselves around class status as the basis for solidarity. Although this vision of shared struggle among

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<sup>1</sup> Danish party of the far right.

<sup>2</sup> Author interview with HK shop steward in June 2009 in Copenhagen, Denmark. John Wallace is a pseudonym.

<sup>3</sup> Author interview with Artur Hoch, Ver.di in March 2011 in Augsburg, Germany.

<sup>4</sup> Author interview with Riley James, UNISON in February 2011 in London, UK. Riley James is a pseudonym

workers resulted not only in benefits for members but accrued to the wider society in the establishment of the welfare state, unions have also excluded workers from membership based on race, ethnicity and nationality. How does an expansive notion of solidarity based on class coexist with an impetus to restrict social gains based on race, ethnicity and nationality? Furthermore, when do unions extend their solidarity to new groups? This is the puzzle animating this dissertation. While scholars have had little to say about the conditions favorable for union support of immigrant workers claims, immigrants' presence across all sectors of the economy and as union members at rates comparable to natives suggests that understanding the specific challenges faced by immigrants in unions can alter our understandings of how traditional institutions of political economy operate in a newly plural Europe.

Scholars and journalists have extensively documented the ballooning of economic inequality between those at the very top, who live off of the outsize gains of capital, and everyone else below who depends on shrinking returns to their labor. What is less well understood is that the growth in economic inequality has important implications for democratic politics as unions remain the only organizations that exist solely for the defense of worker interests. In many European countries, unions preceded parties as organs of interest representation and played decisive roles from the late 19<sup>th</sup> century until the interwar period in democratization movements to expand the franchise to male workers without property (Luebbert 1991:162-166; Collier 1999; Anderson 2000). For much of the 20<sup>th</sup> century and more recently, unions in industrialized countries have also been prominent in their support for more generous social welfare policies such as unemployment insurance, parental leave and subsidized retraining programs (Esping-Anderson and Korpi 1984; Huber and Stephens 2001; Bradley, Huber et al. 2003). Although unions have been a force for inclusion around class status, unions have also excluded workers on a different set of markers--namely race, ethnicity or national origin.

Trade unions have engaged in protectionist politics against labor migration owing to migrants' perceived economic threat. In the immediate post WWII period, unions across Europe initially opposed employers' efforts to address manpower needs with immigrant workers (Penninx and Roosblad 2000). Native union members perceived immigrant workers as competition willing to undercut the gains they had made in salary and conditions; they pressured union leaders to keep immigrants from entering domestic labor markets. Protectionist politics also play a role in the current era. Increased capital mobility and technological advances associated with globalization have strengthened the hand of management vis-à-vis labor in all areas of workplace regulation including labor migration (Adida and Girod 2011; Mosley 2011; Mosley and Singer 2015). Recent worker protests displaying slogans such as "British Jobs for British Workers" chanted by Lincolnshire oil refinery workers in 2009, have occurred in Western Europe and around the world.<sup>5</sup>

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<sup>5</sup> Numerous papers covered the Lincolnshire dispute extensively. See Judd, Terri, 2009. "How the Issue of Foreign Workers Has Poisoned Industrial Relations," *The Independent*. June 19; Chittenden, Maurice, and Richard Goss. 2009. "Jobs Protests Put Fuel Supplies at Risk: The Internet is Being Used to Ignite a Nationwide Revolt Over Foreign Workers," *The Sunday Times (London)*. February 11; Millar, Frank, 2009. "Refinery Workers Vote to End 'Foreign' Labour Strike," *The Irish Times*. February 6; For similar episodes in Greece: Margaronis, Maria. 2012. "Weekend: Darkness rising: In austerity-ravaged Greece, Neo-Nazi party Golden Dawn is on the rise," *The Guardian* October 27; Babington, Deepa. 2012. "Migrants in Greece under attack: report: Rights group says police do little as gangs target immigrants," *The Gazette (Montreal)* July 11; In Singapore: Adam, Shamim 2013. "Singapore

Protectionist impulses to limit inflows of immigrant workers have been coupled with support for international labor unions and movements seeking to advance social justice for workers abroad and address the causes of labor migration (Hyman 2010; Hyman 2011). Often unable to prevent migration streams, unions in Europe have helped institute and defend formal workplace rights for immigrants such as the right to representation, in large part to minimize competition between native and immigrant workers. Scholars are well informed of the reasons trade unions oppose labor migration or engage in anti-immigrant action. We know little, however, about the conditions underpinning union support for immigrants of a different race, ethnicity or nationality.

### **The Argument in Brief**

The conditions of union support for immigrants can only be illuminated by assessing the perceptions of immigrant and native-born workers directly. In order to obtain this kind of information, my argument relies on more than 120 multilingual in-depth interviews conducted in Denmark, Germany and the UK with immigrant and native trade union activists, officials and rank and file members, as well as politicians, managers and NGO officials. Interviews with trade unionists and managers traversed multiple sectors including the autos- and public hospitals sector. Interview evidence matters for my argument about the conditions for pro-immigrant action because interviews are the most direct and often the only source for learning the motivations and decision-making process of immigrant activists and their native (potential) allies. The detailed information gained through interviews from pivotal actors about how they understood their motivations for political behavior is largely unavailable from surveys, media coverage or organizational documents.<sup>6</sup>

I supplemented interview data with archival research, and observational data of meetings and protest events collected during 16 months of fieldwork in Western Europe from 2009-2012. By examining three prominent issue areas of immigrant demands—reining in extreme right parties and movements, discrimination, and job marginalization—I show how immigrant union activists have been most successful in eliciting pro-immigrant action from weaker fragmented unions in the UK, whereas immigrant leaders in the strong coordinated unions of Denmark failed to do so. Immigrant union activists in Germany faced more mixed results in their efforts to push unions to support their interests.

In the UK, immigrant activists have drawn from past mobilizations around race and utilized the rhetorical and institutional infrastructure associated with anti-racism to voice their claims and demand redress. In Germany and Denmark, the absence of historical peer groups obstructs efforts by immigrant activists to mobilize around race. Indeed, as later chapters show, immigrant activists in Germany can achieve their demands for pro-immigrant action when these demands are linked to the prevailing identity template of

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Companies Brace for Labor Curbs After Protest: Economy," *Bloomberg.com* February 21; In Canada: Pickford, Mike, 2014. "Temporary Foreign Worker Program Sparks Protests," *Bonnyville Nouvelle* April 8; "Local Construction Unions Protest Use of Foreign Workers," accessed online on [www.cbc.ca](http://www.cbc.ca), April 24, 2013; In Australia: "Unionists Protest Against Hiring Foreign Workers," accessed online via [www.abc.net.au](http://www.abc.net.au), June 26, 2012.

<sup>6</sup> To the degree that pivotal actors have participated in surveys or published interviews, data is unlinked to the specific individual or includes shallow discussion of the process of interest that it is unusable for the purposes of my argument.

constitutional patriotism. In contrast, in Denmark, efforts by immigrant activists to mobilize for pro-immigrant action by unions are doubly hampered by the lack of resources around race due to the absence of an historical peer group and an identity template of equality that is more restrictive than those in Germany or the UK.

The juxtaposition of expansive solidarity in labor unions based on class and restrictive solidarity based on ascriptive status poses a puzzle for scholars of comparative political economy. The thrust of my investigation of this puzzle lies in the presence of immigrant workers, who by definition straddle the divide in unions' inclusive and exclusionary potential. Given this tension in forms of solidarity, my dissertation asks when unions engage in pro-immigrant action. Two schools of thought provide alternative perspectives on the conditions for pro-immigrant action by unions, one rooted in empirical contexts where unions are weak—union renewal—and the other approach is rooted in empirical contexts where unions are strong—dualization.

### **Union Renewal and Expansive Solidarity**

Scholars have debated the necessary conditions for union renewal in the advanced industrialized world (Frege and Kelly 2003; Mustchin 2012; Connolly et al. 2014). Union membership has been in steady decline across most industrialized countries since the mid-1970s (Bryson et al. 2011).<sup>7</sup> In a parallel development over the same period, the size of the immigrant population in the global North has grown (OECD 2014).<sup>8</sup> Although immigrant and immigrant-origin workers are union members at lower rates than natives (see Table 1.3 later in the chapter), their increasing share of the population and workforce suggests that immigrant workers could be a source of organizational renewal for unions seeking to stabilize and increase member numbers in the medium and long term (Milkman and Voss 2004; Fine 2005; Bronfenbrenner 2007; Milkman et al. 2010; Adler et al. 2014). Milkman has used the U.S. union context to argue that when faced with steep declines in traditional member constituencies, unions can develop organizing strategies to attract members from unorganized groups such as immigrant workers and minorities. Frege and others have made similar arguments about the targeted organizing activities for immigrant and minority workers undertaken by British unions. In other words, the case for pro-immigrant action by unions in the union renewal literature is that when unions experience membership declines, unions have an incentive to engage in pro-immigrant action in order to attract immigrants as members.

One limitation of the union renewal literature is that it is empirically rooted in national settings where unions are weak such as the UK and the US. In this literature it remains unclear the degree to which targeted organizing offers similar appeals to strong unions in Scandinavia and central Europe. Another problem with the literature lies in its premise that the value of immigrant and minority workers is in their location outside of union membership as unorganized groups. This renders it difficult to investigate ways in which immigrant and minority workers who are already members may play a role in the conceptualizations and strategies of union renewal and pro-immigrant action. As union renewal scholars primarily view immigrant and minority workers as non-members, this

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<sup>7</sup> Many scholars have documented the shrinkage of union membership rolls since the 1970s. Bryson et al. 2011 provide a summary discussion.

<sup>8</sup> Net migration to the OECD has increased between 1959 and 2009.

can obscure the full spectrum of issues and approaches involved in pro-immigrant action by unions. As union leaders consider engaging in pro-immigrant action, is the task facing them mainly of demonstrating how 'old' issues of wage and benefits are relevant to immigrants as workers or does it involve addressing 'new' issues pertaining to their ascriptive status? Lastly, scholarship on union renewal scholarship does not address the ways in which unions manage potential conflict with native members about immigrant recruitment and representation.

### **Dualization and Restrictive Solidarity**

While the union renewal literature suggests union leaders have many incentives to engage in pro-immigrant action, the literature on dualization suggests that unions have few incentives to engage in pro-immigrant action. Past scholarly work has conceptualized dualization or the bifurcation of job quality as a phenomenon as caused by employment protection or unionization. Dualization refers to the categorical and hierarchical difference in job quality of which union membership decisively determines the likelihood of a worker holding a permanent, highly paid job rather than precarious low paid work (Berger and Piore 1980, Berger 1983; Emmenegger 2009; Emmenegger et al. 2012; Rueda 2007; Rueda 2014). The essential division between workers is that of "insiders" with good salaries and working conditions and "outsiders" with poor salaries and working conditions (Lindbeck and Snower 2002: 1). Furthermore, the favorable working conditions of insiders stem from the defense of high labor costs such as barriers to dismissal, which in turn are constitutive of outsiders' unfavorable working conditions. Outsiders cannot advance to insider jobs since employers are reluctant to create new permanent positions that would further entrench insider power (Lindbeck and Snower 2002: 4). As immigrants are overrepresented as outsiders in non-unionized sectors of the economy in the advanced industrialized world, the dualization literature assumes that unions have few incentives to attend to the concerns of immigrants as non-members.

By criticizing unions as special interest groups for privileged workers, the dualization literature offered a studied attack on earlier scholarship on corporatism. In countries with corporatist systems of interest representation, strong, coordinated unions were better able to manage class conflict by providing workers a voice in economic policy making (Crouch 1993). Prominent examples of wage restraint, flexicurity and neo-corporatist pacts served as evidence of how corporatism bolstered democracy and fostered growth (Schmitter 1974; Cameron 1984; Hemerijck and Visser 1999; Becker 2005; Due and Madsen 2008). Above all, the corporatism literature maintained that Europe's alternative take on democratic capitalism remained a viable alternative to the individual-centered pluralist model in North America. While important, the corporatism literature offers less purchase on the puzzle of pro-immigrant action than the literatures on union renewal and dualization. Research on corporatism suggests that immigrants should benefit as workers from the social gains delivered by strong, coordinated unions, without addressing the possibility that a cleavage other than class status matters for immigrant workers. Oddly enough, the most current versions of the corporatist argument for a European model of political economy, have demoted actor agency as having much of a role in the persistence of the European model. Rather institutional inertia is seen as enough to generate continued worker participation (Crouch and Streeck 2006). The view of conflict as

worthy of suppressing and consensus as an unalloyed good are two further assumptions underpinning the corporatism literature that make it difficult to examine the conditions of pro-immigrant action by unions. Without conflict, new groups such as immigrants cannot broaden the priorities of encompassing organizations (Olson 1965). Immigrant workers may also wish to overturn a consensus between the social partners that designates immigrants as an acceptable marginalized workforce.

While dualization processes characterize national political economies with weak unions and strong unions, the empirical basis for dualization theories are the coordinated economies of central Europe and Scandinavia. As Table 1.5 and 1.6 later in the chapter show, union membership declines have been less steep and unions remain institutionalized in central Europe and Scandinavia. One limitation of the dualization literature is that the implications for union representation in weak union contexts such as the UK are unclear where the core is small and shrinking and cleavages of ethnicity and class are cross-cutting. Indeed, the dualization literature increasingly fails to accurately portray coordinated economies such as Germany and Denmark owing not only to the economic pressures on the core group of insiders and the rise of “cheap labor” (King and Rueda 2008), but also given the emergence of cross-cutting cleavages of ethnicity and class among unionized workers. This approach does not take into account that immigrants are also unionized workers in the coordinated economies and that the bifurcation of job quality occurs among unionized workers. Analytically integrating immigrant workers as part of the core unionized labor force allows scholars to interrogate certain assumptions, namely that all insiders are content with the union status quo. In sum, according to the dualization literature, unions should rarely or never come to immigrants’ aid since immigrants are assumed to be present mainly in the peripheral unorganized sectors of the economy.

**The Argument of the Study: The Role of Identity Templates in the Process of Pro-Immigrant Action by Unions**

I argue that unions engage in pro-immigrant action when, a) immigrant activists mobilize their immigrant colleagues around b) identities that resonate with the national setting and c) cultivate native allies supportive of their concerns. In the absence of immigrant activists, native surrogates are unlikely to advance immigrant interests. Native trade unionists are less likely to take up the issues of concern to immigrants and viewed as less credible absent autonomously mobilized immigrants. Identities that run counter to preexisting frames or identity templates in the national cultural context will be counterproductive and the absence of support from native allies will make it challenging for immigrants to achieve their objectives. The initiative exercised by immigrant activists is bounded by the available identity templates. See Fig. 1.1 and Fig. 1.2 for visual representations of this argument.

Fig. 1.1

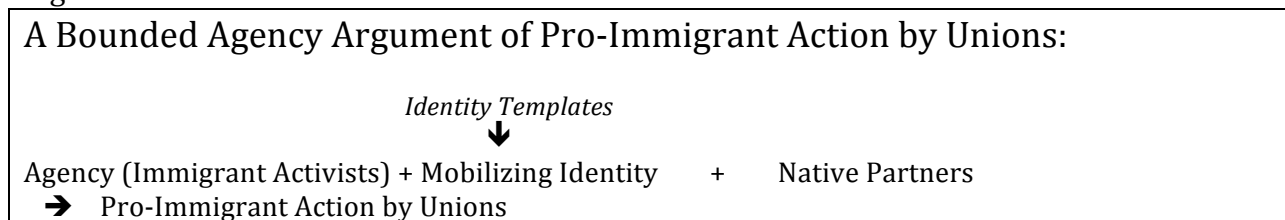
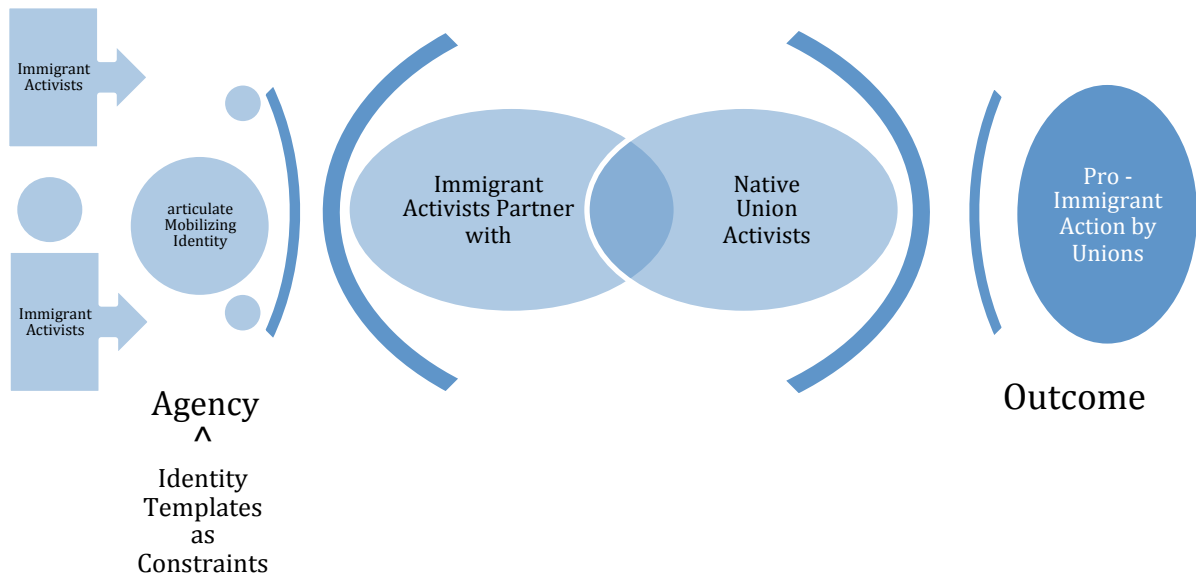




Fig 1.2



My explanation of pro-immigrant action by unions builds upon the insights of previous work on the role of leadership and historical events in shaping organizational behavior. Recent work by Levi and Ahlquist sheds light on the conditions of union member support for non-material goals, such as political or ideological interests, pursued by their union. They find that as long as union leaders are “effective in delivering the goods that all members agree upon, they can also sustain a culture (and new leaders) that generates expanded political actions at the union level” (Levi and Ahlquist 2015: 45). Union members all view the gain of material goods such as increased salaries and improved working conditions as the central purpose of union organization. Where I diverge from Levi and Ahlquist is in my view of actor creativity in terms of defining what counts as a material interest for unions. What may be a purely political or ideological stance to some native trade unionists—engaging in pro-immigrant action—can be defined, understood or interpreted by immigrant activists as indivisible from material interests of the union or jointly serving unions’ ideological and material interests.

Other explanations of why members support non-material organizational objectives posit that the values and ideologies of union leaders matter most. Faith and country-level faith environments influence the non-material causes taken up by unions (Lipset 1994). When union leaders hold Marxist-Leninist world-views (Stepan-Norris and Zeitlin 2002) or form ties to prominent adherents of distinct philosophies (Fishman 2004), they are better positioned to push unions to pursue non-material objectives. Similarly, owing to their unique position, “borderlands” leaders or leaders rooted in multiple communities or milieu can be a source of “innovative contributions” to member mobilizing around non-material issues (Ganz 2000: 1015).

In addition to leaders’ values and attributes, existing scholarship also argues that factors external to unions can explain when unions pursue non-material objectives. Employer coordination and centralization play an important role in limiting the scope of union political engagement (Swenson 1989). National governments can also influence the

range of union activities (Ebbinghaus and Visser 2000; Howell 2005; Streeck 2009). Historical events also determine union's ability to achieve political or ideological aims (Thelen 1999; Pierson 2000).

My argument on pro-immigrant action by unions connects to the arguments foregrounding leaders' values and external factors such as history, as critical for shaping unions' attempt to attain goals other than improved salaries and benefits for members. I show, however, that it is the interpretive and creative abilities of immigrant activists that matter for the first phase of a process that ends in pro-immigrant action by unions, rather than the values and political orientations of native trade unionists. In other words, it matters that immigrant activists initiate mobilization around demands for union leaders to act. Immigrant activists exercise agency to comprehend the history, laws and policies associated with past mobilizations for inclusion and decide how the past can be a resource for the contemporary demands. In this way, my work also connects with research that has found that newer disadvantaged groups can build upon the gains of older disadvantaged groups in gaining access to political institutions (Kasinitz 2004). Across my country cases, the greater ability of immigrants to articulate resonant identities in the UK hinges in part on the presence of predecessor groups. In like manner, the more limited ability of immigrants in Denmark to articulate resonant identities is influenced by the absence of predecessor groups.

The concerns important to immigrant members present challenges to unions as organizations. As the empirical chapters of this dissertation show, immigrants want unions to confront the far right, address discrimination and resist job marginalization. While native workers may also want unions to focus on these issues, these issues impact immigrant workers in distinct ways. Some native union members oppose far-right parties on ideological grounds. However, immigrants of all ideological stripes, rather than some native union members, are the object of far right organizing. Certainly, native union members who are women, disabled, LGBT or elderly also face discrimination at work. Yet, the resources available to native disadvantaged groups as cultural in-group members are not equally available to immigrants as cultural out-group members. Lastly, native union members also hold temporary, precarious and low paid jobs and want unions to upgrade the salary and conditions so that their jobs are stable, permanent and better paid. Immigrant union members, again as cultural out-group members, remain uniquely vulnerable to remaining trapped in precarious work, while native workers have more avenues for promotion and transfer into more secure positions.

Immigrant concerns about the far right, discrimination and job marginalization pose significant challenges to unions as organizations in two ways. First, action on each issue could materially harm unions by resulting in the loss of members. Second, action on each issue highlights cleavages among union members, potentially weakening the bonds of shared class status as workers. Should union leaders rein in the far right, they stand to lose those native members who share far right views. Furthermore, confronting the far right throws cleavages among union members into sharp relief. Union members are splintered by their ideological affinity to the far right. Should union leaders address discrimination, unions risk alienating native members who either do not accept that discrimination against immigrants exists or do not think discrimination is cause for concern. Union members are then splintered by their ascriptive status and propensity to experience discrimination. Should union leaders address job marginalization, they may strain the ties between unions

and those native members who find job marginalization for immigrants unproblematic or reasonable. Resisting job marginalization can also highlight cleavages among workers by race, ethnicity and national origin.

By illuminating the conditions under which unions engage in pro-immigrant action, my argument addresses several of the issues of representation raised by analysts of social democracy in the advanced political economies. I build on the finding that the corporatist context excludes some workers in terms of party representation and policy choice. Just as social democratic parties often promote the objectives of unionized employees in the core workforce (insiders) to the detriment of outsiders (Rueda 2007, King and Rueda 2008; Rueda 2014), I also find that social democratic unions privilege the interests of some members more than others.

However, whereas in existing work, the dividing line of social democratic support hinges on union membership, my work highlights ethnicity as an important cleavage. I show how the interests of immigrant union members are differently represented than those of native union members. Immigrant demands for unions to take pro-immigrant action are also occurring as union membership offers fewer and fewer benefits and is less able to buffer members from market turbulence. The distinguishing characteristics between workers as insiders and workers as outsiders are also becoming less sharp as the numbers of stable jobs decline within both the sheltered public sector and manufacturing and are replaced by less stable temporary contract positions.

Another view of worker representation in social democracy (Thelen 2014) identifies corporatism in the Christian Democratic context rather than the Scandinavian context as the culprit of growing divides in work quality and voice between unionized insiders and non-unionized outsiders. While my work takes seriously the expansion of dualization between insiders and outsiders in the Christian Democratic context, it sheds light on the opportunities for voice offered by dualization for immigrant activists to influence unions in a weakened state. Weaker unions are sometimes more receptive to the demands of immigrants as a sub group.

Contrary to expectations that the strongest unions or those with high degrees of corporatism have the most to offer all categories of worker-members (Hemerijck and Visser 1999; Rhodes 2000; Crouch et al. 2004; Due and Madsen 2008), Danish unions are the least likely to engage in pro-immigrant action, whereas British unions—among the weakest unions in Western Europe—are the most likely to engage in pro-immigrant action. Germany is a mixed case in which moderately strong unions undertake some supportive actions but not others. This dissertation shows how the most encompassing unions are effectively less inclusive as a result of their efforts to maintain unity among their members.

## **Immigrants in the Political Economy**

Given that immigrants make up sizeable numbers among the population, across sectors of the economy and as a segment of the unionized workforce with rates comparable to natives, understanding the position of immigrant workers can help to shed light on developments in European political economy, one of which is the trend to greater bifurcation in the labor market. Immigrants as workers straddle the divide between expansive forms of solidarity in unions based on class and restrictive forms of solidarity based on the racial, ethnic and national exclusion. Developing a better analytical grasp of

immigrants' claims should clarify the puzzle of restrictive solidarity in European labor unions and shed light on when unions engage in pro-immigrant action.

Immigrants make up approximately 10 percent of the population across my cases using the foreign-born<sup>9</sup> as a measure. The foreign-born population ranges from 7.9 percent in Denmark to 13.1 percent in Germany and is summarized in Table 1.1.<sup>10</sup> This measure of the immigrant population captures all those with foreign citizenship (OECD 2013).

**Table 1.1: Foreign-born population in Denmark, Germany and UK, 2011**

	In Thousands	Percent
Denmark	441.5	7.9
Germany	10,689.0	13.1
UK	7,430.0	12.0

Source: OECD 2013

Immigrants in Denmark, Germany and the UK hail from a number of different countries and reflect post WWII flows from the Mediterranean rim, movement by refugees and asylum seekers from conflict zones in the Middle East and Southern Europe, as well as arrivals from Eastern Europe after phases of EU enlargement in 2000 and 2010. In the British case, immigrant origin populations also stem from former colonies as well. Turkey features prominently as a top country of origin for immigrants in Denmark and Germany, and Poland is a top country of origin for all three cases.

Where do immigrants work in each of these countries? Table 1.2 reports the percentage of immigrants employed in each sector of the economy in each country case. Across all three country-cases, the sector employing the greatest proportion of immigrant labor is the hospitality sector that includes hotels and restaurants. For the sectors under focus in this study, the portion of immigrant employees is in the middle range for manufacturing (6.1 in Denmark, 6.8 in the UK and 9.2 in Germany) and health and social care (5.0 in Denmark, 10.8 in the UK and 5.0 in Germany).<sup>11</sup>

<sup>9</sup> This figure does not capture immigrants who have naturalized or who received host country citizenship at birth, rendering this the lower bound estimate of those with immigrant origin.

<sup>10</sup> See OECD 2013. For the United States, 40,381.6 and 13.0% are foreign born; in the Netherlands, 1,906.3 and 11.4% are foreign-born.

<sup>11</sup> Data on the percentage of immigrants employed in each sector in Denmark and the UK comes from the OECD Database on Immigrants in OECD Countries (DIOC), "Table: Immigrants by Sector" and is based on census data compiled between 1998-2002. Data on Germany comes from the North Rhineland Westphalia Ministry for Work, Integration and Social Policy and dates from 2011 for the following categories: Landwirtschaft (Agriculture); Bergbau (Mining and Quarrying); Verarbeitendes Gewerbe (Manufacturing); Energie, Wasser, Umweltschutz (Electricity, Gas and Water Supply); Baugewerbe (Construction); Handel (Wholesale and Retail Trade; Repair of Motor Vehicles, Personal and Household goods); Gastgewerbe (Hotels and Restaurants); Verkehr und Lagerei; Information und Kommunikation (Figures reproduced as the separate categories in the German original under – Transport, Storage (10.0) and Communication(5.2)); Finanz und Versicherungsdienstleistungen (Financial Intermediaries); Oeffentliche Dienstleistungen (Public Administration and Defense, Compulsory Social Security); Erziehung und Unterricht (Education); Gesundheits- und Sozialwesen (Health and Social Work); Kultur, Sport und haushaltsnahe Dienstleistungen (Other Community, Social and Personal service activities).

**Table 1.2: Percent of Immigrant Workforce in each Sector**

	Denmark	Germany	UK
Agriculture and Fishing	3.9	17.1	3.0
Mining and Quarrying	3.4	11.4	6.7
Manufacturing	6.1	9.2	6.8
Electricity, Gas and Water Supply	2.4	4.6	5.0
Construction	0.3	8.5	5.0
Wholesale and Retail Trade; Repair of Motor Vehicles, Personal and Household goods	5.3	7.4	7.8
Hotels and Restaurants	16.9	24.9	16.1
Transport, Storage and Communication	6.5	10.0 (5.2)	9.4
Financial Intermediaries	2.5	2.3	9.8
Real Estate	8.6	--	10.8
Public Administration and Defense, Compulsory Social Security	2.9	3.2	6.6
Education	5.7	2.8	8.7
Health and Social Work	5.0	5.0	10.8
Other Community, Social and personal service activities	5.4	11.2	8.5
Private households	7.3	--	22.6
Extraterritorial (Diplomatic Service)	30.0	--	69.0
<i>Total</i> percent immigrant for all sectors	5.8	8.0	8.8

Source: OECD 2002; NRW 2011

How does unionization among immigrants compare with that of natives across Denmark, Germany and the UK? Table 1.3<sup>12</sup> contains unionization rates for both

<sup>12</sup> Overall union density rates for immigrants are very difficult to procure due to the fact that many unions in Western Europe do not systematically collect data on the race, ethnicity or national origin of their members. Table

immigrants (foreign nationals) and natives. In the UK, where many of immigrant origin have naturalized, the unionization rate of foreign nationals is half that of natives. In Germany, where access to citizenship is more restricted, notwithstanding the introduction of *ius soli* (2000) and increased tolerance of dual citizenship (2013), the unionization rates for both immigrants and natives are much closer together. In Denmark, another more restrictive citizenship regime, foreign nationals have lower union membership rates than natives but retain the comparatively high unionization rate characteristic of Scandinavian political economies. Table 1.4<sup>13</sup> contains unionization rates for immigrants by sectoral union and includes those who have naturalized. In both Germany and the UK, the sectoral unions shown are also the largest in the country. In Denmark, the public sector union is the third largest in the country and the manufacturing union is the largest union. Across the three country cases, immigrants form a larger percentage of union members in manufacturing than in the public sector.

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1.3 reports Gorodzeisky and Richards' figures. An alternative is the ICTWSS dataset, however no figures are available for Germany, and union membership rates only are reported for Denmark and union density figures only for the UK. See Gorodzeisky, Anastasia and Andrew Richards, 2013. "Trade Unions and Migrant Workers in Western Europe," *European Journal of Industrial Relations*. 19(3):239-254; Visser, Jelle, 2013. *ICTWSS: Database on Institutional Characteristics of Trade Unions, Wage Setting, State Intervention and Social Pacts in 34 Countries between 1960 and 2012*. University of Amsterdam: Amsterdam Institute for Advanced Labour Studies (AIAS). Accessed online at [www.uva-aias.net/207](http://www.uva-aias.net/207)

<sup>13</sup> Unionization rates for immigrants by sectoral union are unavailable for several unions and years across cases. The Danish trade union figures date from 2010 and the public sector union is FOA and the industrial union is 3F. These figures are comprehensive and include foreign citizens and naturalized immigrants with at least 1 foreign parent. The most recent published figures for immigrant unionization rates for all member unions of the Danish confederation date from 2010. (Source: LO. 2010. *Kortlægning af etniske minoriteter i LO-fagbevægelsen (Mapping of Ethnic Minorities in the LO Trade Union Movement)*. Copenhagen: LO: 17). The German figures date from 2009 for the public sector and 2013 for manufacturing. The public sector union is Ver.di and the manufacturing union is IG Metall. Both of these figures are estimates. As of 2009, Ver.di estimated that it had 200,000 members with a migration background out of a total of 2.138 million members. (Source: Author Interview with Sonja Marko in 2010 in Berlin, Germany). As of 2013, IG Metall estimated it has 300,000 members with a migration background out of a total of 2.25 million members (Source: Petra Wlecklik. 2013. "Partizipation von Migrant\_innen und interkulturelle Öffnung am Beispiel der IG Metall. Participation of Migrants and IG Metall as an example of intercultural openness)" Accessed online September 20, 2014. <https://heimatkunde.boell.de/2013/09/10/partizipation-von-migrantinnen-und-interkulturelle-oeffnung-am-beispiel-der-ig-metall> ) Additional available figures for Germany: IG BCE figures (2008) 8.8% of members were foreign citizens. IG Metall figures (2007) 9.4% of members were foreign citizens. (Source: DGB. 2008. *Partizipation statt Ausgrenzung (Participation not Exclusion)*. Berlin: DGB.) The British figures date from 2012 for both the public sector and manufacturing. The public sector union is UNISON and the manufacturing union is UNITE. The figures reported are for Black and Minority Ethnic. Although this includes citizens of immigrant background, this figure underreports white foreign citizens. Unionization rates for immigrants by sectoral union are unavailable. (Source: Labour Research Department. 2012. "BME Leadership: How are UK Unions Faring?" London: Labour Research Department). The immigrant unionization rates reported in table 1.4 are for the largest 2 unions in each country except FOA, which is the 3<sup>rd</sup> largest union in Denmark. 3F is the largest union in Denmark.

**Table 1.3: Overall Unionization Rates in Percent, 2005**

	Immigrants (Foreign Nationals)	Natives
Denmark	79	86
Germany	18	20
UK	16	29

Source: Gorodzeisky and Richards 2013

**Table 1.4: Unionization Rates for Immigrants by Sectoral Union in Percent**

	Denmark	Germany	UK
Public Sector Union	8.2	9.4	4.8
Industrial Union	12.1	13.3	14.0

Source: LO 2010; Marko 2010; Wleclik 2013; Labour Research Department 2012

### Differences in Union Strength and Pro-Immigrant Action

Political organizations such as unions have to balance the interests of different member subgroups in order to ensure organizational cohesiveness and survival. Immigrant workers form an important such subgroup of labor union members in Western Europe. However, union responses to immigrant claims entail a mix of both costs and benefits for unions. While engaging in pro-immigrant action benefits unions by supporting the recruitment and retention of immigrant members, pro-immigrant action can also harm unions by facilitating the exit of native union members who hold anti-immigrant views. How do organizations prioritize the demands of some member subgroups over others? Managing member demands remains the greatest challenge to strong unions bent on corralling member opinions and minimizing dissent in order to maintain their reputation as responsible social partners. Strong, highly encompassing organizations such as Danish labor unions face greater pressure to contain member dissent than more fragmented organizations such as British labor unions (Olson 1965; Sabel 1980).

Union strength derives from the proportion of the workforce that is organized as union members and the legal and institutional protections for unions as political actors. Weak, fragmented unions in political economies such as the UK count low proportions of the workforce as members and have few legal and institutional protections for their role in political decision-making. In contrast, strong, coordinated unions in political economies such as Germany and Denmark organize large segments of the workforce or have extensive legal and institutional protections as political actors or both. Defining union strength as characteristic of unions meaningful at the country level is critical owing to the fundamental role nationally distinct laws and traditions play in regulating what unions are able to do: “labor law in many countries precisely defines the legitimate actors in industrial relations, the status of collective agreements, the legality of strikes, the mechanisms for remedying disputes” (Gumbrell-McCormick and Hyman 2013: 2).

The two tables below illustrate the context and specifics of both dimensions of union strength. Table 1.5<sup>14</sup> gives an overview of workforce indicators such as the employment and unemployment rates, population and rates of part-time work. Table 1.6<sup>15</sup>

<sup>14</sup>Adapted from Gumbrell-McCormick and Hyman 2013: 4-5/Eurostat

<sup>15</sup>Adapted from Gumbrell-McCormick and Hyman 2013: 4-5/ICTWSS

contains the percent of the workforce that is organized as a union member with the union density rate. Table 1.6 also reports the percent of workforce covered by a collective bargaining agreement. Of note is the fact that although union density is lower in the strong union case of Germany compared with the weak union case of the UK, collective bargaining coverage in Germany extends to more than half of the workforce. In the UK, only one third of the work force is covered by a collective agreement, matching closely to the British union density rate. British unions have very limited powers to extend the terms of collective agreements beyond the specific workplaces for which they concluded the agreements.

**Table 1.5: Labor Market Indicators in Denmark, Germany and the UK, 2011**

	Popula- tion (in millions)	Employ- ment rate 20-64 (%)	Female Employ- ment rate (%)	Fixed- term contract	Part-time	Unemployment
Denmark	5.5	76	72	9	26	7.6
Germany	82	76	71	15	26	5.9
UK	61.6	74	68	6	27	8.0

Source: Gumbrell-McCormick and Hyman 2013

**Table 1.6: Union Density and Bargaining Coverage in Denmark, Germany and the UK in Percent**

	Union Density		Bargaining Coverage	
	1980	2010	1980	2010
Denmark	79	68	72	80
Germany	35	19	78	62
UK	51	27	70	33

Source: Gumbrell-McCormick and Hyman 2013

While union density dropped across all three country cases, collective bargaining coverage increased in Denmark over the same period and dropped in Germany and the UK. Examining the change in collective bargaining coverage in Denmark, Germany and the UK, the three countries have become even more distinct than they were thirty years ago.

From the union renewal, perspective unions are likely to engage in pro-immigrant action when motivated to increase their membership. In contrast, the dualization, perspective suggests that unions will choose pro-immigrant action only if immigrants are members of the core workforce. While these schools of thought provide important insights into the conditions of immigrant worker inclusion—via expansive solidarity based on race and ethnicity as well as restrictive solidarity based on class—these conceptualizations are limited in their ability to capture the empirical range of behavior and experiences of immigrant workers and union leaders. Underpinning both literatures is an assumption that the most important calculus unions make when deciding to engage in pro-immigrant action is a materialist one in terms of either increasing members or protecting a core membership base.



## **Case Selection, Research Design and Methodology**

This study generates a theory about when unions engage in pro-immigrant action by analyzing evidence within and across countries. Building on the insights of the varieties of capitalism literature (Hall and Soskice 2001), I selected the three country cases of Denmark, Germany and the UK in order to capture three distinct institutional settings that vary by the degree of union coordination and union effectiveness in incorporating the working class. Both Denmark and Germany have institutional configurations which are more coordinated than those found in liberal market economies such as the UK.

Drawing from scholarly work on immigrant incorporation regimes (Brubaker 1992; Koopmans et al. 2012), I also selected these country cases for variation in their migration history and rules for citizenship acquisition. Denmark and Germany have more restrictive rules than the UK. The aim was twofold, on the one hand to examine whether immigrant incorporation in unions mapped that of fellow native workers incorporated in unions in coordinated or liberal regimes and on the other hand to determine the extent to which union receptivity to immigrants mirrored the restrictiveness of the national level citizenship rules and incorporation systems. In other words, where the UK has a multi-cultural approach to immigrant incorporation shaped by its post-colonial legacy and a relatively open citizenship regime, Germany and Denmark preserve mono-cultural approaches to immigrant incorporation, lack a postcolonial link to migrant flows and have relatively closed systems of citizenship acquisition.

In addition to selecting national cases that vary by national incorporation regimes and institutional settings, the scope of the study spans multiple sectors including autos- and public hospitals. My initial motivation for including both export and sheltered sectors among my cases was to capture a possible alternative explanation for pro-immigrant action by unions. High exposure to international competition as is present in auto manufacturing circumscribes unions' capacity to advance member interests including those of immigrants. In more sheltered sectors such as public hospitals, unions have more room to maneuver because employers cannot use the threat of overseas competitors to wring concessions from workers. Having variation by sector allows me to answer the question of whether unions are less likely to undertake pro-immigrant action in the export sector and more likely to undertake pro-immigrant action in the sheltered sector.

In terms of what constitutes pro-immigrant action, this dissertation closely examines immigrant concerns that unions confront the far right, address discrimination and resist job marginalization. I deemed the concerns suitable for analysis as immigrants across country cases and sectoral unions shared these concerns. Not only do these concerns allow for comparability across cases, each poses a unique dilemma to union leaders because these issues generate cross-cutting cleavages among union members by race, ethnicity and national origin.

Rather than a neat pattern corresponding with national institutional- or immigrant incorporation regimes, sector, or issue area my argument shows instead that these features constrain the abilities of immigrant activists to articulate mobilizing identities and partner with native allies in order to pressure unions to undertake pro-immigrant action. This bounded agency argument shows that when immigrant activists mobilize around historically resonant identities, they can surmount the barriers posed by the closed environments of strong, coordinated unions.

This dissertation employs the comparative case study method since the objective of this research project is to develop and elaborate a theory that plausibly and suitably explains (McKeown 2004: 163-166) pro-immigrant action by unions. Defining the content of the outcome of interest—pro-immigrant action by unions—depended on the collection of in-depth knowledge of nested cases. I gathered detailed information on specific unions, on how these unions were situated within the broader national political economy, and expert views of union policies towards immigrants in order to build and fill ‘pro-immigrant action by unions’ as a concept (Ragin 2004). Contrary to existing approaches in comparative political economy, I do not limit my definition of ‘pro-immigrant action by unions’ to those economic interests imbued to immigrants as workers, such as higher pay and benefits or employment discrimination (Lee 2011). Rather, a central strength of the comparative case method is that it accommodates research in which contingent, contextual and iterative elements characterize both the outcome of interest and the mechanisms theorized to produce the outcome of interest.

A central benefit of using the comparative case method is that it allows me to capture the complexity of a demand common to immigrants across my cases yet executed differently by labor unions across countries. For example, approximately 20 percent of the electorate and union members (as a subgroup of the electorate) sympathize with far right parties, and in particular share far-right hostility to immigrants. However, both immigrants’ understanding of the magnitude of the far-right threat and unions’ ability to act against the far right is context specific in that far right parties are present in national legislatures in only one of three country cases. Far-right parties have been elected at the local level in all three country cases. Lastly, there is variation across country cases in the existence of explicit and targeted anti-far right political culture at the union-organizational level and the national level. The task of specifying the outcome and theorizing a likely mechanism for the subject material renders it a poor fit for more mechanistic variables-based methodologies.

### **Theoretical Discussion and Empirical Analysis**

The dissertation proceeds as follows: after this introductory chapter, a theoretical chapter develops the concept of identity templates as an intervening factor for immigrant agency through mobilization in Denmark, Germany and the UK and links them to viable mobilizing identities. The third chapter examines variation in pro-immigrant action by unions in confronting the far right. A fourth chapter investigates variation in pro-immigrant action by unions in addressing discrimination. Then, a pair of chapters tackles the issue of dualization or job marginalization. The fifth chapter discusses the politics of privatization and dualization in public hospitals. It provides appropriate context to the case studies of immigrant protest against dualization at two hospitals, one in the UK and one in Germany—analyzed in the sixth chapter. The seventh and final chapter offers summary conclusions and extends my argument about the role of immigrant leaders, mobilizing identities and native partnership in order to elicit pro-immigrant actions from unions, to the sphere of parties.

## ***Chapter 2: Identity Templates as an Intervening Factor***

This chapter develops the concept of identity templates as an important intervening factor for immigrant agency as mobilization. Here, I discuss the role of national histories of race and difference in generating history, laws and policies that serve as the identity template for contemporary immigrant mobilization in unions. Immigrant activists who mobilize around an identity resonant with the national identity template are better positioned to form partnerships with native allies and elicit pro-immigrant action from labor unions. This chapter engages with identity templates in the UK, Germany and Denmark as they were shaped by two formative historical episodes: colonialism and Nazism. I discuss the imperial origins of postwar flows from former British colonies in South Asia, Africa and the Caribbean in the 1940s, 50s and 60s, family reunification flows in the 1970s and refugee and asylum seekers from around the world in the in the 1990s, and newer streams of Eastern Europeans after accession in 2000. The presence of phenotypically distinct minorities in the UK with experiences of racial hierarchy in the colonial and host country context influenced not only the formation of identities for later immigrant groups in the UK but the resources available to them for claims-making. Hence, racial identity is important for successive groups of immigrants.

For the German case, I describe the arrival of immigrants from the Mediterranean rim via guest worker programs setup in the 1950s and 60s. Flows tied to family reunification came next in the 1970s. With the fall of the Iron Curtain in 1989, came new groups of refugees and asylum seekers most of who were ethnic German *Aussiedler* and after 2000 Eastern European immigrants from the new accession countries also arrived. In contrast to the UK, migrant/foreigner identity is the most prominent available identity. Migrant/foreigner identity is a counterpoint to the ethnic identity synonymous with national identity in Germany. Constitutional patriotism is another identity available to immigrants with fewer if any ethnic restrictions. These different identities have their origin in German historical experience with colonialism and the Nazi past. In Denmark, immigrants' options for available identities are limited by the particular relationship Denmark has with the historical periods of colonialism and Nazism. However, immigrants can attempt to link their claims to an identity defined by ethnic equality. For this chapter I will refer to Abdelal et al.'s (2009) edited volume on identity, as well as a number of works on social movements and identity, and non-class based identity in unions. The purpose of this chapter is to determine what identities are available to immigrants in each national context and why.

## ***Chapter 3: Confronting the Far Right***

This chapter draws on data and analysis at both the plant and sectoral level on unionized immigrant workers in metal manufacturing across the three countries in order to provide evidence for my argument about the role of immigrant mobilization and partnership as pivotal for securing pro-immigrant action from union leaders. Far-right political parties stand for election at the local level across my cases. However, only in Denmark has the far right succeeded in governing at the national level. Case studies of workplace conflict over the far right in a Ford plant in the UK and a Ford plant in Germany anchor the chapter. During the 1990s, relations between immigrant workers and some native workers at the Ford plant in the UK were tense due to discriminatory acts by native workers sympathetic to the far right. Labor unions accommodated the far right at work as

workers and shop stewards were aware of fellow members who were sympathetic with BNP views. At the same time, regional and federation union offices offered numerous *educational* programs for members tailored to the threat posed by the far right. Lastly, with the election of a Caribbean origin secretary, Bill Morris, to the leadership of the largest union at the Ford plant—TGWU—, the union took the most difficult action of *expelling* a member union noted for members with far right views.

Immigrant mobilization around a racial identity allowed for an effective partnership with native co-workers in order to propel unions (TUC, TGWU) to confront the far right. In contrast, in Germany, immigrant workers at the Ford plant in Cologne responded to far-right organizing in the city targeting Muslim immigrants. Far right party members won seats in the local municipal council in 1999 with the purpose of restricting Muslims and Islam in the city. As in the UK, the German metal sector union, IG Metall, workers and shop stewards accommodated the presence of members with far right views in that surveys of IG Metall membership uncovered members with far right views. Yet, IG Metall and the regional branch of the DGB had also set up *educational* programs for members targeting the far right as a threat to union and society. Although immigrant activists articulated a mobilizing identity for immigrant workers around constitutional patriotism and found native partners willing to support protest action to confront the far right in the community, this did not result in the *expulsion* of members with far-right views from the union.

#### ***Chapter 4: Addressing Discrimination at Work***

Union decisions to engage in pro-immigrant action to address discrimination at work also resulted from the agency of immigrant leaders articulating a shared identity, and then securing native support. In this chapter, I discuss the degree to which unions *acknowledge* that discrimination at work is an issue. Then, relying on the 2010 FRA reports as well as multi-sectoral and multi-worksites primary data, I discuss the types of antidiscrimination policies that exist across the country cases. Immigrant leaders vary across countries in their ability get unions to adopt anti-discrimination policy due to the twin challenge of finding willing native partners and the sometimes contested legitimacy of immigrant autonomous bodies within the unions. Yet, successful *policy adoption* does not translate into its effective *implementation*.

In both Denmark and Germany, immigrant leaders struggled to convince native colleagues of the importance and relevance of antidiscrimination policy. In the UK, although immigrant leaders had less difficulty convincing native colleagues of the importance of antidiscrimination policy, immigrant leaders' success in eliciting pro-immigrant action also has to be evaluated comparatively in terms of union strength. In the institutionally dense setting common to Scandinavian countries such as Denmark, the lack of pro-immigrant action by unions on this issue is rendered an even greater deficit due to unions' significant power in that country. Similarly, the achievements of immigrant activists in the British setting must be tempered with the comparative weakness of unions in the British political economy.

#### ***Chapter 5: Unions in the Neoliberal Economy***

Immigrant activists' ability to elicit pro-immigrant action by union leaders on dualization faces numerous challenges owing to the political economic context of dualization. The politics of privatization in both the UK and Germany have flattened several

of the distinctions between unions' organizational and institutional roles, thereby allowing the mechanisms of the argument about immigrant agency and alliances to become more visible. This chapter provides the context for the two hospital case studies examined in chapter 6.

### ***Chapter 6: Resisting Dualization in the Public Sector***

This chapter offers the strongest evidence for the importance of activists, identities and allies in explaining pro-immigrant action by unions. Immigrants in the UK and German hospitals both tried to improve their working conditions as privatized workers through protest. Both groups of immigrants sought *reintegration* or a return to the public employer from the private contractor, *enhanced mobility*, or better chances for promotion and career advancement as well as *improved pay and conditions*. Only immigrants in the British case were able to rely on effective leaders, who articulated a mobilizing identity around race, and partnered with native trade unionists in order to successfully achieve *improved pay and conditions*. Neither group was able to achieve *reintegration*. Race was not available as a mobilizing identity in Germany. Although immigrant/foreigner identities were available, immigrant activists in the German case were unable to articulate an identity that allowed them to partner effectively with native trade unionists to improve working conditions. These cases of hospital protest illustrate the limits of varieties of capitalism and corporatist literatures, in that unions at both hospitals were fragmented although the national institutional settings differed since the UK is liberal/deregulated and Germany is coordinated. This case also shows that dualization is shared by both liberal and coordinated political economies, yet the capacity for immigrant worker agency is different due to the specific identity repertoires.

### ***Chapter 7: Conclusion and Implications Beyond Unions***

This chapter investigates how my argument about how mobilization and partnerships initiated by immigrant activists in order to secure pro-immigrant action, applies to other organizational settings. Immigrant activists who do organizing work in unions also are founders and members of other organizations such as parties and ethnic organizations. In Germany, unions are a unique place for immigrants seeking a role in politics without the requirement of citizenship. Immigrant activists use their position within unions to access other organizations. With access to multiple organizations, immigrant activists can build multiple areas of support and pressure for their interests. This chapter will discuss immigrants efforts to change national policy in the German setting on dual citizenship and local voting. In contrast, many immigrants in the UK already have access to citizenship, so that their interest in generating multiple sites of organizational pressure is not to change policies governing citizenship or local voting, but to change policies governing border entry and addressing discrimination. In Denmark, although citizenship law is restrictive, immigrants have access to local voting once they meet a residency requirement. Immigrant activists in unions have become active in parties and other organizations in order to maintain access to these rights, prevent additional restrictions on migration and push for anti-discrimination policy.

## **Chapter 2. Identity Templates as an Intervening Factor**

### **Introduction**

The core argument of this dissertation is that immigrant union members seeking pro-immigrant action from union leadership must exercise agency by mobilizing themselves before then building alliances with native trade unionists. Yet, immigrants often fail at their efforts to elicit pro-immigrant action. What obstacles prevent immigrants from successfully obtaining pro-immigrant action from union leadership? The purpose of this chapter is to lay out the factors that constrain immigrant trade unionists from building agency and alliances in order to gain support from union leaders. The key intervening factor shaping the ability of immigrants to exercise agency is the identity template. If immigrant mobilization fails to reflect the prevailing identity template, this limits the possibility of immigrant-native alliances.

This chapter is laid out in the following manner. I provide a theoretical discussion of identity templates and the importance of this factor to my argument about pro-immigrant action. Next, I examine identity templates in detail as regimes generated by national histories of race and difference in each of three country cases: the UK, Germany and Denmark. For the sake of analytical clarity, I confine my surgical summary of national histories of race and difference to specific encounters with colonialism and Nazism. The UK section examines the race relations regime as the predominant identity template. A subsection on Germany examines constitutional patriotism as the predominant identity template. A final subsection on Denmark examines equality as the predominant identity template in that setting. I then compare and contrast the identity templates across the three countries and discuss the implications for my argument in a final section.

### **Examining Identity Templates**

Immigrant trade unionists facing problems at work need to exercise agency by mobilizing themselves as the first step in a process with the end result of eliciting pro-immigrant action from union leadership. Yet, neither the decision to mobilize nor the act of mobilization is a spontaneous occurrence. How do immigrant union members exercise agency by mobilizing? Mobilization is constrained in important ways that narrow or broaden the possibilities of success in the exercise of agency. When I refer to immigrants' exercise of agency, I refer to immigrants' move to identify a problem and define the problem as one that afflicts some group of which they are members. Immigrants, then have to convince others with both the common problem and shared characteristic of group membership that they not only are members of the group, but that they should act collectively to address their shared problem.

Identity templates refer to the available identities for immigrants broaching the decision to mobilize. How do immigrants understand the problems they face at work as connected to who they are as social actors? What is the source of the problem? Have others faced similar problems in the national context? If others have faced a similar problem, or a group with characteristics also shared by the

immigrants exists, these serve as a resource or “discursive repertoire” from which immigrants can draw as they make the decisions to act, to identify their problems at work, and to define the problem as one afflicting a group that then needs to collectively address the shared problem (Koopmans and Olzak 2004: 202).<sup>1</sup>

My analysis of the role of identity in motivating politics draws on a range of literatures in the social sciences including sociological and historical studies. I build on work done by the political sociologist Koopmans, the cultural historian Sewell and their contemporaries. My parsing of the literature called for casting a wider interdisciplinary net than is common in comparative politics given the scarcity of similar work on the question of pro-immigrant action by unions within the discipline. The contributions of Hopf and others in the 2009 Abdelal volume on the contextual nature of identity and its impact on political outcomes serve as notable exceptions to the current state of research on identity in comparative politics.

Identity templates encapsulate the palette of identities from which immigrants may choose when they mobilize. The limited set of available identities for immigrants differs by national context and an identity template is useful when group membership contains discursive and practical access to history,<sup>2</sup> laws and institutions. The national context rather than a regional or local context is the relevant geography for identity templates because it is the broadest political context with shared rules, sanctions and rewards to which immigrants can meaningfully appeal. Subnational and supranational contexts carry less weight than the nation in terms of both community and sanctions (Anderson 1983; Kastoryano 2002). Available identities are prior identities which other groups have developed and deployed to fit temporal demands of the national and historical context where they have made claims. As an illustration, recently arrived immigrant groups in 21<sup>st</sup> century Britain can look to Britain’s national history for the identities used by post-colonial immigrant groups in the 1960s and 1970s in order to make claims and repurpose these identities for the contemporary era. Not only can present-day immigrants look to history for accounts of past episodes of group claims making, they also ascertain the laws and institutions that emerged from past episodes of group claims making. Mobilization entails not only selecting and adapting from past resonant identities used for group claims making, but also leveraging laws and institutions developed in the past in order to serve present-day needs.

The concept of identity underpinning my term, identity templates, is based on a view of identity as socially rather than individually rooted. Drawing from Hopf’s definition in which “identities...[are] social products of interactions with others...constructed...through the mundane social practices that constitute everyday life,” those identities that are available to immigrant activists seeking pro-immigrant

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<sup>1</sup>The authors define discursive repertoires and discursive opportunities as “the aspects of the public discourse that determine a message’s chances of diffusion in the public sphere.”

<sup>2</sup> The insights of Emirbayer and Mische (1998) on the critical importance of episodic time for the exercise of agency are relevant here. On p973, the authors state, “the ways in which people understand their own relationship to the past, future and present *make a difference* to their actions; changing conceptions of agentic possibility in relation to structural contexts profoundly influence how actors in different periods and places see their worlds as more or less responsive to human imagination, purpose and effort.”

action are meaningful and capable of eliciting a response (whether supportive or obstructionist) inasmuch as others around them (both immigrants and natives) find these identities to be intelligible in the national and social context where these identities are expressed (Hopf 2009: 280-281).

In addition and in line with Hopf, I view “identity...[as] at once social structural and cognitive” and animated by “three logics of social order— consequentialism, appropriateness and habit” (Hopf 2009: 279). Identity templates serve a “cognitive” purpose, in that they facilitate an individual’s comprehension of his or her social environment by streamlining both the choices new claimants can make about how to frame their demands as well as the range of interpretations prospective audiences can make of those demands. Immigrant trade unionists on the brink of mobilization have to weigh the degree to which their chosen identity or way of framing collective problems and demands conveys importance, suitably fits the cultural context and is amenable to repetition (Turner 1988: 51; Hopf 2009: 280).

While individuals in different countries may choose to mobilize around the same identity, the history, laws and institutions unique to each country shapes how the same identity is deployed by actors and received by audiences often to contrasting effects. Koopmans rightly notes in his discussion of “discursive opportunity structures” the way in which “the same type of claim—say a demand for recognition of cultural difference by a group that defines itself in racial terms— may have widely different chances of gaining media attention (visibility), provoking reactions by other actors (resonance), and gaining public legitimacy” (Koopmans et al. 2005: 19). Although the kinds of identities immigrants may draw from are numerous, what are the analytically meaningful types of identities that immigrant leaders may draw upon and how are these shaped by the national context?

Of use is Koopmans et al.’s rubric that sorts immigrant and minority identities into five categories. Immigrants and minorities may make claims according to “policy-status identities” or their official status as recognized by the state as a foreigner, minority, immigrant, asylum seeker, undocumented immigrant, *Aussiedler*, refugee. Immigrants and minorities may also make claims according to their affiliation with a “racial identity” denoted by skin color or phenotype such as Black, or Asian. Immigrants and minorities may also make claims on the basis of “religious identities” linked with faiths such as Islam or Hinduism. Immigrants and minorities can also refer to identities that combine cultural and religious elements or “ethnoreligious identities” rooted in the religion and cultural practices of Judaism for example. Lastly, immigrants and minorities may base their claims on membership in “ethnic and national” groups including any nation state, but also hyphenated identities with the host country (Koopmans et al. 2005: 118-119).

My concept of identity templates also builds upon the concepts of discursive and institutional opportunities. In several works, Koopmans and his co-authors elaborate on the role of discursive and institutional opportunities in the targets of right wing violence in post re-unification Germany. Although right wing groups attacked many segments of society, over time right wing actors made the decision to concentrate violence on asylum seekers. The critical explanatory factor for the shift in focus to a particular type of victim lay in public discourse in media about the different categories of victims. Media increasingly and repeatedly framed asylum



seekers as social problems and as right wing actors targeted asylum seekers, these specific attacks garnered more publicity (Koopmans and Olzak 2004: 200; Koopmans 2004b; Koopmans et al. 2005).

For immigrant trade unionists seeking to mobilize around a grievance, media coverage of identity-based claims made by historical and contemporary peers is merely one way of ascertaining the available identities. History, laws, institutions and everyday interactions contain diffuse information about available identities. My concept of identity templates shares a close lineage with the concept of discursive opportunities as developed by Koopmans and Olzak. Koopmans et al. generated the concept of discursive opportunities to capture the way in which specific types of rules and the tone and frequency of representation of those rules in media could result in certain outcomes—namely changes in the targets of right-wing violence. My concept of identity templates also possesses the dimensions of discourse and institutions but expands beyond media coverage to everyday speech and the historical record as its realm of discourse. The dimension of institutions is similarly expansive in that the relevant rules refer firstly not only to those restricting devalued social objects such as discrimination (or far right parties as in Koopmans’ work) but enabling laws providing for redistribution and inclusion of immigrants and minorities. Beyond laws, the institutional dimension of the identity template considers organizations and state agencies as part of the institutional resources shaping the outcome of immigrant mobilizing identity.

**Table 2.1: Identity Templates and Discursive Opportunities**

	Koopmans et al. (2004, 2004b, 2005)	Newsome (current)	
Discursive Opportunities	Media framing of potential target groups; Media coverage of far right violence	Language associated with peer mobilizations (past and present) in media, every day speech, history	Identity Templates-Discourse
Institutional Opportunities	Laws banning far right, can they approach decision makers? Will they be repressed?	Are there laws and institutions of social redistribution and inclusion targeted to certain groups?	Identity Templates-Institutions
Outcome	Target of Right Wing Violence	Immigrant Mobilizing Identity	Outcome

### **Native Trade Unionists and Identity Templates**

Whereas identity templates serve as an intervening factor for immigrants’ exercise of agency via mobilization, identity templates also shape immigrants’ capacity to then build alliances with native trade unionists. Native trade unionists approached by immigrant activists for the purposes of partnership face different choices depending on the power wielded by unions at the specific workplace and in society more broadly. Unions differ in the fraction of the workforce they count as

members. Unions differ in the segment of the workforce covered by union collective agreements as well as the legal and institutional support unions enjoy as extra-parliamentary policy makers. Where unions count sizeable majorities of the workforce as members, provide extensive coverage of non-unionized workers via collective agreements and participate in numerous governmental forums to deliver binding economic and social policy proposals, native union members may be less likely to partner with immigrant union colleagues if their demands are perceived to jeopardize the organizational position of unions. Indeed, immigrant demands are often seen to be at cross-purposes with the aims of strong unions.

On the other hand, where union members number small minorities of the workforce, workplace coverage by union collective agreements is thin, and legal and institutional support for unions in governmental policy making processes is little or nonexistent, native union colleagues may be more likely to partner with immigrant union colleagues if their demands are perceived as increasing the unions' position. Weak unions may have an incentive to harness the energy of immigrant community activism by supporting campaigns to achieve shared material aims for workers. In this way, weak unions try to bolster union strength by gaining the trust of immigrant communities and adding to their member base.

Although unions' organizational position influences the receptivity of native trade unionists to immigrant activists' calls for partnership, native trade unionists are susceptible to materialist and non-materialist impetuses for action. Immigrant activists can convince native trade unionists of the merits of joining them. The remainder of this chapter distinguishes more fully between non-materialist appeals based on identity or ideology as separate and distinct from material incentives.

My aim is not to discount the importance of material resources in the calculations of native union members and union leadership, but rather to grapple seriously with the process through which material factors can be displaced or reinterpreted. This view of union organizational position as structure and the agency of immigrant activists reflects work by Sewell who defined structures as "constituted by mutually sustaining cultural schemas and sets of resources that empower and constrain social action and tend to be reproduced by that action" (Sewell 1992: 27). Much as I describe how immigrant activists and their native union colleagues are both limited and enabled by the identity templates and unions' organizational position, Sewell noted that "agents are empowered by structures, both by the knowledge of cultural schemas that enables them to mobilize resources and by the access to resources that enables them to enact schemas" (Sewell 1992: 27).

If structures are "principles that pattern...practices" (Sewell 1992: 6) then how do identity templates and unions' organizational position pattern what immigrant trade unionists and their native counterparts do? For identity templates, it is that certain specific identities germane to a national context will be picked up again and again by immigrant activists as modes of mobilization more likely to succeed. Native trade unionists in turn will weigh appeals for support in terms of said appeals' contribution to unions' organizational position, the stronger a union, the more acute their sensitivity will be to undertaking actions perceived to harm the organization. Yet native trade unionists' views on what actions are beneficial to unions are still malleable and responsive to actor creativity.

The challenge facing immigrant activists is to mobilize their base and convince native trade unionists that their demands contribute to unions' organizational position and or resonate with an ideology or identity perceived as legitimate to native trade unionists. While the type of appeal made by immigrant activists depends on the national historical and cultural context and mobilizations of past peer groups, immigrant activists have some leeway in identifying the relevant peer group upon which to selectively model their mobilization. Immigrant activists who mobilize effectively have an understanding of why bad things happen to people like us *in this place*. At the same time, whether unions are strong or weak, they respond dynamically to external pressures by suffering further erosion in power or shoring up resources. Unions' organizational position alone does not convey any information about how immigrant members will organize themselves to request pro-immigrant action from unions and if they will succeed. Certainly native trade unionists face different sets of incentives to ally with immigrant colleagues but immigrants can a) choose from circumscribed identities, b) make a non-material appeal based on identity and c) link their appeals to the material or ideological strengthening of the union.

### **National Histories of Race and Difference as Generative of Identity Templates**

The following sections will show how the UK differs from Germany and Denmark in the possibility of using race as a mobilizing identity for immigrants, owing to Britain's unique history of race and difference. In contrast, the national histories of race and difference in Germany and Denmark are such that race is not available in the same way as a mobilizing identity for immigrants.

Two historical events common to the UK, Germany and Denmark have been formative for the character of identity templates in each national setting: colonialism and Nazism. In Britain, the modern race relations regime is rooted in how that nation grappled with its post-colonial experience. Britain's empire spanned six continents at its height. Beginning during the 1600s of the imperial period and continuing into the 20<sup>th</sup> century, immigrants from (former) colonies encountered color bars and riots by the native population (Fisher, Lahiri and Thandi 2007). The post WWII policy solution to racial conflict in Britain was legislation informed by a trade-off between immigration control and anti-discrimination legislation (Freeman 1979). Britain's race relations regime also draws upon its anti-fascist past (Gilroy 1990).

In Germany, constitutional patriotism is the dominant regime in terms of how the nation engages difference. It stems from the total defeat of the Nazis during WWII and the demise of Nazi ideology and essentialist identities based on race. Although Germany had overseas possessions in Africa for thirty years and held onto conquered Polish territories for fifty years, Germany lacked a post-colonial reckoning with former colonial subjects that could have produced an alternative view of race as a legitimate mobilizing identity (Schaller 2011; Langbehn and Salama 2011).

In Denmark, colonial history has also been comparatively truncated. Beginning in 1616 with the founding of the Danish East India Company and the establishment of a fort in Tranquebar in 1668, Denmark gained colonies in the West Indies, Africa and India by the end of the 18<sup>th</sup> century. By 1917 Denmark had relinquished its overseas territories as a result of war, diplomatic settlements and sale (Agnarsdottir 2008; Naum and Nordin 2013).<sup>3</sup> The timing of Denmark's foreign empire resulted in virtually no migration flows to the metropole, and an absence of debates over independence including critical assessments of colonialism by former colonial subjects.<sup>4</sup> Denmark has a strong tradition of anti-fascism and the unique distinction of being the only European country to have rescued its Jewish population from deportation and genocide during Nazi occupation. However, the combination of an unreconstructed colonial past and a legacy of anti-fascism has rendered Denmark a place without any regime for accommodating difference. In this case, not only are racial identities discredited owing to their association with Nazism, racism is deemed an impossibility in Denmark (Hesse 2004; Hervik 2006; Jensen et al. 2010) and difference is viewed as a threat to equality (Hedetoft 2006; Mouritsen 2006; Mouritsen et al. 2009).

In the following sections, this chapter lays out the contours of the identity template for the UK, Germany and Denmark. I briefly explicate the role of colonialism and Nazism in national historical context of race and difference in the UK. Next, I delve into the relevant features of the legal and institutional race relations regime in the UK as a manifestation of that history. After briefly discussing intersections between the British regime with migration, incorporation and citizenship policy, I then shift to examine broader implications for this regime for immigrant incorporation in trade unions. Lastly, I theorize the implications of the British identity template for my argument explaining pro-immigrant action. Discussions of the German and Danish cases follow the organization of British case.

Across my country cases, immigrants seek to draw attention to their concerns in a way that will facilitate their ability to gain native allies and pressure union leadership to address their concerns. At the same time, the type of identity that will work for immigrants seeking to push union leaders into pro-immigrant action is not universal to all settings and differs depending on the national setting. As I show in chapters to follow, whereas some mobilizing identities may enable alliances with natives in some contexts, such as racial identity in Britain, the same identity may have the opposite effect in a different national context, such as racial identity does in Germany (Koopmans et al. 2005: 19) and in Denmark.

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<sup>3</sup> Denmark lost Norway to Sweden in 1814 with the Treaty of Kiel. The British took over Danish territory in India in 1800-1849, and in West Africa in 1849. Denmark sold the Virgin Islands to the U.S. in 1917. See p71 in Agnarsdottir 2008.

<sup>4</sup> Danish colonialism in Greenland offers a partial exception to this rule, notwithstanding its attainment of home rule in 1953, Greenland remains a part of Denmark. See Petersen, Robert. 1995. "Colonialism as Seen From a Former Colonized Area," *Arctic Anthropology* 32(2): 118-127.

### ***Empire and the National Historical Context of Race and Difference in the UK***

Immigrant trade union activists on the brink of mobilization in the UK can utilize an identity template grounded in identities differentiated from the majority population by race. Laws, such as the Race Relations Act, policies on non-discrimination in addition to anti-racist civil society organizations, together form a corpus of resources for immigrants making claims around race. These resources developed in response to conflict between immigrants and settled minorities from former colonies (for recent post-colonial migration flows see Table 2.2<sup>5</sup>) and the majority population and exist in greater abundance in the UK setting than laws, policies and organizations to specifically address grievances around non-race based identities such as national origin or religion (Modood 1994; Modood 2005)<sup>6</sup>. Because historical and contemporary race-based claims are already present in a dominant way in public discourse on social exclusion and the institutional apparatus for redress is dominated by issues of racism, immigrant activists are less likely to consider non-race based identities as plausible ways of interpreting difficulties at work and less likely to attain redress as there are fewer institutions available to deliver sanctions for non-race based claims. The identity template in the UK is one in which mobilization and redress around race dominates.

**Table 2.2: Total Migrant Stock in UK in 2013 at Mid-Year (Top 10 Countries of Origin; Former Colonies denoted with \*)**

UK
India (756,471)*
Poland (661,482)
Pakistan (476,144)*
Ireland (412,658)*
Germany (311,286)
Bangladesh (239,608)*
USA (222,201)
South Africa (214,009)*
Nigeria (184,314)*
China (151,445)

Source: United Nations Population Division 2013.

The following section provides the historical context for the emergence of the UK's identity template based on racial mobilization. British colonialism, predicated as it was on racial hierarchy, sowed the seeds for later conflict between (post) colonial migrants who came to settle in Britain and a native population that sought to preserve advantages accrued to whiteness in overseas conquest, within an increasingly multiracial metropole. This section offers a brief sketch of the manner

<sup>5</sup> United Nations Population Division, Department of Economic and Social Affairs. 2013. *Trends in International Migrant Stock: Migrants By Destination and Origin*. (Table 10. Total Migrant Stock at mid-year by origin and by major area, region, country or area of destination, 2013)

<sup>6</sup> Modood critiques the lack of institutional resources in Britain for South Asian Muslims seeking redress for claims of religious discrimination in both works.

in which colonialism triggered migration patterns to the UK. Colonial social and economic relations laid the foundation for political claims-making based on racial threat, racial purity and radical redress that forms the identity template in postwar Britain.

For Britain, as in numerous other West European countries, industrialization and imperial expansion went hand in hand. Despite the many ills including coercive labor practices and economic pauperization<sup>7</sup> broadly bequeathed to South Asian-, Caribbean- and African societies by the colonial encounter with Britain, imperial rule also offered educational and employment opportunities to some elites among the colonial subject population (Kale 1998). Some African, South Asian and Caribbean subjects could also find work for British shipping companies, as indentured manual laborers, traders, as well as low level administrators in different regions of the empire (Ramdin 1987; Kale 1998). Colonialism thereby set in motion patterns of migration between Britain and (now, former) colonies.

Not only did Britain's colonies serve as captured markets for British manufactured goods, the empire was foundational in how it shaped Britain's national history of race and difference. The hierarchical and exploitative relations between colonizers and the colonized combined with shifting commitments to political liberalism rendered race as a mobilizing resource and identity in the post-colonial period including the present day. Claims rooted in racism, racial threat and racial purity are all resources for political mobilization in contemporary Britain.

Prevailing scholarly views of current immigrant incorporation depict Britain as a multiculturalist success story due in large part to its roots in liberal and cosmopolitan empire (Favell 2003: 17).<sup>8</sup> However, a closer look at Britain's imperial past reveals the juxtaposition of Enlightenment values and racial hierarchy (Pitts 2005). Racial hierarchy provided the ideological justification for the illiberal political context of colonized subjects vis-à-vis colonizer citizens (Mamdani 1996). Contemporary immigrants have available as a resource past successful and failed attempts of colonial migrants to dismantle colonial hierarchies that shaped their

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<sup>7</sup> Notwithstanding the work of some apologists for the British Empire such as Niall Ferguson who counted among the benefits of British imperial rule of the British Empire according to Niall Ferguson: "free trade, facilitated capital export to the developing world...free labor, invest[ment of] 'immense sums' in a global communications network, maintain[ence of] an unequalled global peace, and sav[ing] the world from fascism, many other historians have "exposed the violence and death unleashed by the British, as in the Indian and African famines and epidemics during what have been called 'late Victorian holocausts,' or the British 'gulag' in Kenya during the Mau Mau uprising such as Catherine Elkins. Pitts underscores the problems British imperial rule caused for colonial subjects such as: "Massive resource extraction, establishment of catastrophic systems of bonded labor, deindustrialization, entrenchment of 'traditional' structures of authority, and insertion of subsistence farmers into often wildly unstable global market systems" (Pitts 2006: 220). See Pitts, Jennifer. 2010. "Political Theory of Empire and Imperialism," *Annual Review of Political Science* 13: 211-35; Ferguson, Niall. 2003. *Empire: The Rise and Demise of the British World Order and the Lessons for Global Power*. New York: Basic Books; Davis, Mike. 2001. *Late Victorian Holocausts: El Nino Famines and the Making of the Third World*. London/NY: Verso; Elkins, Catherine. 2005. *Imperial Reckoning: The Untold Story of Britain's Gulag in Kenya*. New York: Henry Holt.

<sup>8</sup> Favell summarizes this outlook when he singles out Britain as one of the "paradigmatic early 'integration nations' in Europe: turning post-war, post-colonial policies into a mildly nationalist reaffirmation of the tolerant, cosmopolitan, inclusive nature of their conceptions of nationhood."

reception and trajectories when they settled in Britain. During the colonial period, access to education and employment was limited to elite groups among British subjects. Elites from different regions of the world were classified according to racial hierarchies (Ramamurthy 2003). South Asians, perceived as higher in racial ranking than Africans, could access relatively privileged positions in African colonies. This was not the case for Africans going to India.

The colonial solution to class conflict among whites in Britain was also grounded in hierarchy. Well into the mid twentieth century, white British workers could go abroad to experience a quick ascent up the status ladder due to their racial categorization as whites above Asians and Africans (Rich 1990; McClintock 1995). British workers could also cement their status further through privileged access to credit for land purchases and business development as well as managerial positions in colonial administration (Fafchamps 2004). White British workers who remained in the mother country were well aware of the benefits of empire to domestic consumption. Ramdin documents the views of British socialist Ernest Bevin in 1946 on the benefits of empire for the national labor movement. Bevin stated: “ I am not prepared to sacrifice the British Empire [because] I know that if the British Empire fell...it would mean that the standard of life of our constituents would fall considerably” (Ramdin 1987: 68). Over the duration of the empire, the links between race and economic benefits became more encompassing as the wealth generated by capitalism and inclusion in the category of whiteness<sup>9</sup> accrued not only to the entrepreneurial elite in Britain but to the British working class more broadly (Bonnett 1988: 318-19, 322). Whereas Britain lacked a system of social provision in the 18<sup>th</sup> century for workers dislocated by industrialization, workers in Britain had improved wages, working conditions, leisure and access to welfare during unemployment by the 1950s. Bonnett asserts that as these social gains for workers in Britain grew, whiteness as an identity gained importance in domestic politics. Conservative and Labor politicians used whiteness as a touchstone for discussing the welfare state as an achievement of the white working class and the benefits of which legitimately should not be shared with non-white immigrants from former colonies (Bonnett 1998: 327, 331).

As shown in the section above, the history of the British empire shaped political mobilization around race for both whites and non-whites. The legacy of

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<sup>9</sup> Bonnett tackles the view that white identity developed only in response to postcolonial migration of non-white people to the British Isles. He points out that whiteness as group membership had meaning outside the British Empire rather than within the home country well before WWII. During the 18<sup>th</sup> century he documents competing views of whiteness that drew upon changing class structure and bourgeois ascendancy. On the one hand, whiteness was esteemed as a physical characteristic of the landed, moneyed elite who stayed indoors and had tenants to work their farms. On the other hand, rising middle classes disparaged the whiteness of elites with inherited wealth but also developed counter narratives of ambition and industry associated with being middle class that relied on whiteness as a descriptor. Middle class popular culture belittled the British working class for its laziness, lack of hygiene and darkness as a physical characteristic. In contrast, being white conferred Europeans immediate access to the top of the social hierarchy in the British colonies: “Thus the British working class was ‘white’ in colonial settings...but something less than or other to, white in the context of Britain’s internal social hierarchy” (Bonnett 1998: 318-319; 322).

racial mobilization forms the identity template in the UK. Differences in status accorded to different racial groups during British colonialism preceded the conflict between native British whites and non-white migrants from former colonies who came to settle in Britain after WWII. While colonialism facilitated the population exchange between the mother country and the overseas empire, it also rendered race as a status category with social, economic and political implications. For example the discussion above noted that while the British native working class gained higher consumption levels and social welfare as whites, they also resisted the influx of non-white immigrants as a racial threat to social and economic gains. However, as the next sections will show, non-white immigrants' efforts to resist racist exclusion resulted in a regime of laws, policies and organizations to address discrimination available for later generations of immigrants as a discursive and practical resource.

### ***Migration Policy and the Race Relations Regime in the UK***

The British race relations regime that forms the UK identity template developed in response to successive riots by whites against non-white immigrants from former colonies in the Caribbean, South Asia and Africa who migrated to Britain to fill postwar labor shortages during the 1950s and 1960s (Pilkington 1988; Goulbourne 1998). Black and Asian immigrants not only suffered from racist violence, they also encountered color bars and discrimination in housing and employment (Ramdin 1987). The British race relations regime has had two dimensions. On the one hand, the British state has pursued successively stricter migration controls against Commonwealth immigrants since WWII. On the other hand, it has included the expansion of laws, policies and government support for organizations addressing anti-discrimination, particularly based on race. Conservative and labor politicians alike have shared a philosophy towards immigrants and ethnic minorities which paired tightened restrictions on cross border movement with efforts to foster greater inclusion of immigrants and minorities resident in Britain. Capturing a bipartisan sentiment in British politics over the last half of the 20<sup>th</sup> century Roy Hattersley, Labor Party politician and Home Office official noted in 1965, "Integration without control is impossible, but control without integration is indefensible" (Favell 2001: 104).

While the 1948 Nationality Act facilitated the movement of non-white immigrants from Commonwealth countries with ties to the British empire, the legislative response to the 1958 riots in several British cities including Nottingham was the 1962 Commonwealth Immigrants' Act, which was the first to privilege white immigrants over non-white immigrants. The 1971 Immigration Act cemented the hierarchy of white Commonwealth immigrants over non-white Commonwealth immigrants by including a provision for those seeking entry to Britain that they show proof that a grandparent was born in Britain (Favell 2001: 101-103). The 1981 British Nationality Act weakened *ius soli* by limiting the ability of non-white Commonwealth citizens resident in Britain to pass rights to their children born in Britain by stipulating that such children would not receive British citizenship although born on British soil (Goulbourne 1998: 54).



The cornerstone of the British race relations regime is the 1976 Race Relations Act passed by parliament in an effort to remedy the failures of earlier acts in 1965 and 1968 to sufficiently address immigrants' concerns about racist exclusion and violence (Favell 2001: 104). The 1976 Race Relations Act created a Commission for Racial Equality (CRE)<sup>10</sup> by fusing the Race Relations Board and Community Relations Commission. The purpose of the CRE was "to work towards the elimination of discrimination, (b) to promote equality of opportunity and good race relations and (c) to keep under review the working of the Act and draw up proposals for amending it (Solomos 1993: 88). It also strengthened provisions for employment discrimination by delegating it to labor courts. The CRE mandate defined direct and indirect discrimination as issues under its purview. Direct discrimination referred to a situation in which "a person treats another person less favorably on racial grounds than he treats or would treat, someone else." On the other hand, the CRE mandate defined indirect discrimination as "consisting of treatment which may be described as equal in a formal sense as between different racial groups but discriminatory in its effect on one particular racial group" (Solomos 1993: 87).

Amendments to the Race Relations Act in 2000 and 2003 embodied further expansion of the race relations regime to include institutional racism as a legitimate impetus for reform of government agencies and other civil society organizations. The findings of the MacPherson report, well known for its investigation of problems with the handling of the Stephen Lawrence hate crime, noted institutional racism as culprit in the mishandling of the case, and spurred legislative action (MacPherson 1999). The 2010 Equalities Act provided the most recent update to the Race Relations Act. In it race is noted as a "protected characteristic" and defined to contain "colour, nationality and ethnicity or national origin" thereby underscoring the persistent importance of racial categorization for addressing multiple forms of exclusion in the UK (Sargeant 2013: 84-85).

Additional acts of parliament under both conservative and labor governments during the 1990s and early 2000s reduced access for asylum seekers (Somerville et al. 2009).<sup>11</sup> Legislation in 2008 also set new terms (the Points-Based System) designed to limit migration on economic grounds from outside of the EU. With the 2001 terrorist attacks in New York and the 2005 attacks on the London underground, the British identity template took on a religious dimension. Paralleling policy trajectories combining laws to tighten non-white immigration with laws to address discrimination by race, laws to address security threats posed by Islamist terrorism were coupled with laws to augment the race-based discrimination regime to address religious discrimination as well. In 2001, the Antiterrorism Crime and Security Act allowed for individuals believed to be "suspected terrorists who were immigrants...[to] be interned." In 2006, parliament

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<sup>10</sup> The Commission for Racial Equality was reorganized and renamed the Equalities and Human Rights Commission. See Sargeant 2013.

<sup>11</sup> These Acts included the 1993 Asylum and Immigration Appeals Act, the 1996 Immigration and Asylum Act, The 1999 Immigration and Asylum Act, the 2004 Asylum and Immigration Act and the 2006 Immigration, Asylum and Nationality Act.

passed a Racial and Religious Hatred Act to prevent and sanction fomenting “hatred against persons on racial or religious grounds” (Somerville 2007; Somerville et al. 2009).

### ***Immigrant Activists on the Race Relations Regime and Mobilization in the UK***

British trade unions have served as an organizational arena for the enactment of race relations policies. Native white trade unionists have rioted against the introduction of black workers and campaigned for immigration stops. From Enoch Powell in the 1950s, to recent victories by UKIP, native trade unionists have supported anti-immigrant politicians. Immigrant trade unionists responded by leaving British unions and founding their own organizations, but also by setting up autonomous black workers’ structures within the union. Whereas initially the response of native union leadership to mobilization by immigrant and minority members was to focus on the shortcomings of these groups, during the 1970s, union leadership responded to pressure and shifted its focus to include the societal obstacles to equality for immigrants and minorities (Phizacklea and Miles 1978:195).

In 1981, activist black workers presented the Black Workers’ Charter, which was a document urging the trade union leadership of the British trade union federation, the Trade Union Congress (TUC), to address the lack of black shop stewards and other officials. The trade unions later affirmed the right of blacks, women, retired persons, the youth and LGBT members to participate as self-organized groups in 1984. (Kirton and Greene 2002: 164) Since then, British trade unions have developed a number of policies and bodies such as, “reserved seats, black member committees, black members’ conferences, [designated] self organized groups, black-member only courses, targeted literatures, race-equality officers and ethnic monitoring.” (Kirton and Greene 2002: 159) The TUC Black Worker’s Conference has also convened each year since the early 1990s.

Interview data with British labor union officials demonstrate the awareness practitioners have of the British identity template around race. For Wilf Sullivan, the National Race Equalities Officer of the British Trades Union Congress and a number of other Equalities officers in the British labor movement, postwar immigration policy serves the sole purpose of limiting black immigration to the UK. The race relations regime in the UK developed as a policy of managing black immigrants, their descendants and the resulting societal conflicts around racism:

“all the major nationality and immigration acts in the UK...until you get to 1990, [were] always in response to waves of immigration from Africa or Asia for one reason or another...because the problem was you had an empire...[and] if you were a subject of the empire you were a British citizen...which meant that...millions of people across the world were British citizens...so when those citizens started coming in, they had to start excluding British citizens who were members of the British empire from being able to come here...so that’s why you get all these immigration acts, which are basically

about saying well, yeah you were a citizen but you are not anymore.”(Sullivan 2011: 5)<sup>12</sup>

In terms of the current agenda of the TUC around race relations, Sullivan identified two priorities for the TUC. The first is to improve outreach to black communities of workers that are unorganized. The second is to move issues of discrimination and other concerns affecting black workers from areas of legal redress for individuals to collective bargaining.<sup>13</sup> Sullivan attributed the position of race relations issues on the TUC agenda to the presence of and efforts by Race Equalities Committees within the TUC and within the structures of TUC member unions. The efforts of race equality committees, which came into existence in the 1970s and 1980s were in turn galvanized in the 1990s by the highly publicized findings of the Stephen Lawrence Inquiry on the prevalence of institutional racism in British society. Several civil society organizations and government agencies including unions conducted internal audits and set up ongoing processes to identify and address institutional racism.<sup>14</sup>

For Narmada Thiranagama, Race Equalities National Director of the public sector union UNISON, the ability of ethnic minorities and immigrants to mobilize and make claims via Britain’s race relations regime is rooted in the historical experience shared by many post-colonial immigrants. Thiranagama noted that among immigrants and their descendants in the UK, “people had a very similar story and similar experiences in the matter of colonialism and the independence struggle...so there’s a shared story there...there’s a saying, black is not the color of my skin, it’s the color of my politics.” Coalescing around a black identity serves the purpose of sharpening the distinction between victims of oppression and their oppressors and highlights within group commonalities among immigrants and minorities as blacks. While mobilization and policies around racial discrimination continue to play a prominent role for minority and immigrants, in her view, state policies targeting specific cultural and religious minorities have had the impact of eroding solidarity among immigrants and minorities around race as black identity.<sup>15</sup> In sum, both Sullivan and Thiranagama demonstrate an awareness of the British identity template around race and how it is a resource for contemporary mobilization efforts. Accounts by Sullivan and Thiranagama reveal that the availability of race as the British identity template for immigrant activists hinges on creative responses by immigrants to the question of who is “black” in Britain and the degree to which British whites can be convinced of the legitimacy of such claims.

### ***The Race Relations Regime as Identity Template in the UK***

How does the identity template of the British race relations regime shape the agency of immigrant union members seeking action from unions on their behalf? In the UK context, the race relations regime, itself a product of struggle between immigrant descendants and the majority society over colonialism and its effects,

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<sup>12</sup> Interview with Wilf Sullivan, TUC, in February 2011 in London, UK.

<sup>13</sup> Interview with Wilf Sullivan, TUC, in February 2011 in London, UK.

<sup>14</sup> Interview with Wilf Sullivan, TUC in February 2011 in London, UK.

<sup>15</sup> Interview with Narmada Thiranagama, UNISON in April 2011 in London, UK.

opens and limits avenues for immigrant claims-making. In the narrowest sense, contemporary first generation immigrants from the Commonwealth can choose to link their grievances to those of other post-colonial migrant descendants who constitute the black community in Britain via *direct lineage*. With *direct lineage* contemporary immigrants on the basis of their origin from a country that was once part of the British empire can mobilize around a virtually identical formulation of their grievances as has been done by the settled black community. Contemporary immigrants who do not originate from former colonies may also articulate grievances that connect their struggles to the black community in Britain, however given their distance from the historical event of British empire, their link is via *indirect lineage*. With *indirect lineage*, contemporary immigrants draw on mistaken inclusion or a connection via association in order to access the race relations regime. Contemporary immigrants can claim that their grievance results from their practical association with the settled black community. Access to the race relations regime via *indirect lineage* extends to contemporary immigrants from Eastern Europe as well as the Irish settled community. Both groups have at times been included in the conceptualization of post-colonial disadvantage experienced by black communities (Gray 2000; Equality and Human Rights Commission 2010).<sup>16</sup> In other words, immigrants who appear for all intents and purposes as white have and can utilize the resources rooted in the British identity template of race to make demands for restitution.

For a variety of reasons, immigrants may choose not to mobilize around race in the British context. They may originate from countries where racial identity lacked social meaning or religious or cultural identities played a more significant role in structuring patterns of disadvantage more broadly and in the workplace setting. Certainly, any workplace grievance may emanate from the intersection of multiple identities such as gender, disability or age in addition to race. However, in the British context, those immigrants mobilizing around identities other than race find that the policy apparatus for redress and the discourse parameter for resonance among potential native allies to be meager in comparison with that of race relations. Furthermore, what is characteristic of the British identity template is that not only do contemporary immigrants have discursive and practical resources from past peer groups who mobilized around race, immigrants mobilize in a general societal environment in which a consensus exists that Britain is “multi-racial and culturally diverse” (Favell 2001: 128). Indeed, so dominant is the identity template of race in Britain that immigrants, who self-identify primarily as Muslim and experience social exclusion on the basis of religious status, express the goal of securing institutional resources to match those already existing to address racial exclusion and describe religious discrimination as a kind of racialization (Modood 2005).

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<sup>16</sup> Irish tourists in 2000 and Polish migrant workers in 2010 both won race discrimination claims with the Commission for Racial Equality. The Commission for Racial Equality became the Equality and Human Rights Commission in 2007.

### ***Colonialism, Nazism and the Context of Race and Difference in Germany***

Immigrant trade union activists seeking support from trade union leadership in Germany confront an identity template in which mobilization around race has been discredited, due to its link to the Nazi past. As the following section on the German identity template shows, although Germany possessed colonies outside of Europe until the end of WWI, virtually non-existent migration to the metropole by postcolonial migrants meant that contemporary immigrants have lacked the same historical peer groups upon which to model mobilization as in the British case. Disputes between German settlers and colonized Africans over racial hierarchy and racial purity abroad did not develop into anti-racist reform of the German nation-state. Instead, as I discuss, the German identity template contains constitutional patriotism as a discursive and practical framework for combatting exclusion. Chosen by post WWII German intellectuals and political elites for its cultural rootlessness and universal appeal, constitutional patriotism is nonetheless a uniquely German substitute for genocidal nationalism based on race. To the degree to which immigrant union activists can comprehend shared problems and potential solutions as linked to constitutional patriotism, union leaders are more likely to provide support.

Although the focus in German historiography is on the Third Reich as the definitive period for understanding race and difference in Germany, the mid-nineteenth century also played an important role in shaping understandings of race and difference. Political “modernizers” such as List who advocated for the unification of Germany under democratic government rather than monarchy, viewed imperialism and the possession of dominions abroad as critical to Germany’s development. In List’s view, by following in Britain’s footsteps to modernity, a unified Germany could become wealthy, modernize and surpass Britain as a world power (Fitzpatrick 2008).

List also underscored the value imperialism offered for German nation-building in that it offered solutions to class conflict (Fitzpatrick 2008: 60). Rather than socialism at home, German workers could go abroad and attain property under favorable conditions and enjoy the ascent in social status that came with entering colonial societies at the top of the racial hierarchy.<sup>17</sup> Colonialism was also viewed as good for business since entrepreneurs needed markets to absorb the excess manufactured products they were unable to sell in domestic markets (Fitzpatrick 2008; 61). Similar to the British case, popular understandings among workers of the benefits of racial hierarchy in the colonies in contrast to the detriments of class hierarchy in Germany can be seen in 19<sup>th</sup> century depictions of the “three tiered system” in German spheres of influence in South America, that included “some remnant Spanish government, a German and Spanish middle class and an indigenous lower class, where the Europeans ruled and the indigenous people labored,” thereby constituting a “paradise...for German settlers” (Fitzpatrick 2008; 183).

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<sup>17</sup> The colonies List referred to in his writings were German spheres of influence in South America and the South Pacific.

In addition to imperialist expansion outside of Europe, Germany’s history of colonialism includes phases of land grabbing within Europe. During the 1860s, Bismarck expanded the Second Reich into Polish territory and after military victory, engaged in a settlement campaign—*Kulturkampf*—in which German settlers were offered incentives to populate conquered Polish lands and displace Polish inhabitants. The discourse of *Kulturkampf* referred to a social hierarchy in cultural value in which Germans as bearers of a superior culture had the right to push out Polish people due to their less sophisticated culture (Kulczycki 1994; Ziblatt 2008). With the Berlin conference of 1884, Bismarck inserted Germany firmly into the European competition for land dominance in Africa and secured colonies in modern-day Cameroon, Tanzania, Togo and Namibia. Territories in Eastern Europe and in Africa offered German settlers—many of them members of the working class—favorable entry to the top of a different social hierarchy based either on cultural or racial membership (Lerp 2013).

Germany’s loss of overseas possessions in the aftermath of WWI had important implications for the identity template immigrants confront in the contemporary period. In contrast to Britain, migration flows between German colonies and the metropole dwindled after the end of Germany’s thirty-year colonial period (Bade 1982) so that post-colonial populations did not settle in Germany in great numbers. See Table 2.3<sup>18</sup> for an illustration. As a result of the timing of the end of empire, Germany also did not undergo political and military conflict over independence movements and social hierarchies around culture and race that were a legacy of its colonial past.

**Table 2.3: Total Migrant Stock in Germany in 2013 at Mid-Year (Top 10 Countries of Origin)**

Turkey (1,543,787)
Poland (1,146,754) <sup>19</sup>
Russian Federation (1,007,536)
Kazakhstan (717,753)
Italy (433,127)
Romania (383,626)
Greece (238,220)
Ukraine (234,094)
Croatia (233,064)
Austria (203,157)

Source: United Nations Population Division 2013.

<sup>18</sup> United Nations Population Division, Department of Economic and Social Affairs. 2013. *Trends in International Migrant Stock: Migrants By Destination and Origin*. (Table 10. Total Migrant Stock at mid-year by origin and by major area, region, country or area of destination, 2013)

<sup>19</sup> The high numbers of Polish people among immigrants in contemporary Germany is less a legacy of German imperial excursions during the 19<sup>th</sup> century, rather it reflects 2004 EU enlargement that included Poland and the subsequent restrictions on freedom of movement Germany lifted in 2011.

Twelve years of Nazi rule resulted in the imposition of a colonial regime based on racial hierarchy within Europe. The parallel between the domination of overseas lands by European powers and German domination within Europe is apparent in the way in which international law around military conduct failed to extend to both areas (Mazower 2006: 555). Colonial subjects or civilizational others in Africa and Asia lay beyond the reach of international law, were not protected by the law and therefore were subject to unmitigated violence unregulated by law as members of lesser racial groups with low levels of civilization (Mazower 2006: 557; Anghie 2004).

For Mazower, the challenge posed by the Nazis was that they rejected a view of Europe as a cohesive civilization bound by the rules of international law. For the Nazis, not all of Europe's inhabitants shared the same race or culture. Jews and Slavs, as members of lesser races and cultures, existed outside of European civilization: "Central Europe was now Germany's India." (Mazower 2006: 562-563) The Nazi state created a racial order within Europe. Owing to the perceived racial closeness of the British, Scandinavians, French and Dutch to Germans as fellow Aryans, the Nazi occupation experienced by local populations during WWII was milder than those categorized by the Nazis as racial others. Of course, Jews regardless of nationality, served as the primary and definitive victim of Nazi state brutality (Burleigh 1991).

The total defeat of the Nazi state by the Allied forces in WWII resulted in a delegitimization of race as a political mobilizing principle in Germany. However, the challenge posed to racial hierarchy by Nazi defeat did not extend to conceptions of racial hierarchy as practiced in colonial territories outside of Europe such as in South West Africa. Because neither Jews nor post-colonial migrants championed racial equality as a core feature in redefining the postwar nation (Chin et al 2009), contemporary immigrants in Germany experiencing racialization and racism lack historical peer groups upon which to model their mobilization efforts against racism and for inclusion.

To compare and contrast the way that colonialism differentially influences the identity template in the UK and in Germany, one must note that although colonialism implemented by both countries was brutally experienced by the groups designated as racial others by the colonizing power, British colonialism was not predicated upon a concept of the nation as ethno-racially closed. At least in theory, those at the bottom of the racial hierarchy could hope to advance after extended tutelage to full citizenship in the nation—and some did via the mechanism of Commonwealth citizenship. German colonialism overseas under Bismarck and within Europe under Hitler operated based on a concept of the nation as ethno-racially closed. Indeed, colonial officials in Germany viewed subject groups as facing a future of perpetual forced labor or extinction (Mazower 2006; Lerp 2013).

Post-colonial migration led to a conflict over the role of race in access to democratic citizenship in the UK. The lack of postcolonial migration to Germany meant that the continuity between the Nazi state and the postwar democracy based on ethno/racial closure was never interrogated, and racial equality was never put forth as a core feature of the new democratic order (Kurthen 1995: 916; Chin et al. 2009). Contemporary migration and citizenship policy in Germany has reflected this

ethno-racial closure. In sum, political mobilization around race was discredited by the Nazi past. However, the establishment of the democratic order in postwar Germany did not revisit the role of race in defining the German nation in a way that included Jews or post colonial migrants as participants or conceptualized race equality as fundamental to democracy (Fehrenbach 2007; Chin et al 2009).<sup>20</sup>

As the following sections show, the conception of Germany as a racially and ethnically exclusive nation has shaped the trajectory of migration and citizenship policy in Germany. Yet, although the German identity template all but bars race as a mobilizing identity for contemporary immigrants, the German identity template offers an opening for organizing around constitutional patriotism as constitutional patriotism is accessible to anyone who links their demands with values and principles expressed in the postwar democratic constitution in Germany.

### ***Migration Policy and Citizenship in Germany***

Migration policy and citizenship in Germany betrays a rationale of legitimate membership in the nation that is ethnically and racially exclusive. Although 2000 reforms introduced *ius soli* into Germany citizenship law, the legal basis for current citizenship law is the 1913 Law that enshrined descent or *ius sanguinis* as the mode for establishing membership and belonging in the Germany polity. In 1935, the Nazis augmented the 1913 law so that it defined descent as a racially specific term (Kurthen 1995: 929). After WWII, the postwar German Constitution, the Basic Law incorporated a wide-ranging right to asylum in anticipation of the forced expulsions of ethnic German refugees from formerly conquered territories in Europe (Kurthen 1995: 930). Starting in 1955, the (West) German government signed guestworker agreements with several countries on the Mediterranean rim including Italy, the former Yugoslavia, Spain, Portugal, Morocco and Turkey. Although these agreements started large inflows of non-ethnic German workers to fill staffing needs in industry and agriculture, consistent with the principles of ethnic and racial closure in the postwar democratic polity, official policy among political elites and the broader society assumed that guest workers were only short-term residents of Germany.

In 1973, the German government concluded guest worker agreements with the aim of curtailing labor migration in response to an economic downturn. As late

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<sup>20</sup> Fehrenbach's 2007 book, *Race After Hitler* notes that as the US army was segregated at the time, race equality did not figure as a core feature of democratization: "The slow pace of postwar integration of the U.S military—and the even slower pace of postwar integration of American society—meant that for the entire period of military occupation (1945-49), and throughout most of the High Commission in Germany (1949-1955), post fascist German society was democratized by a country whose institutions, social relations, and dominant cultural values were organized around the category of race and a commitment to white supremacy" (Fehrenbach 2007: 19). Chin et al. 2009 show how neither leftists of the 1968 generation or conservatives as symbolized by former chancellor Helmut Kohl see the mono-ethnic and mono-racial view of the German nation as anti-thetical to democracy or preserving links to the Nazi past: "the common belief that democratic values should be gauged in terms of German attitudes toward Nazi crimes against Jews, the nation's largest minority group prior to 1945...shared ...[by] conservatives and progressives meant that the entire debate elided the possibility of multiethnic democracy in the present" (Chin et al. 2009: 111, 114).



as the 1980s, the Kohl government offered monetary incentives to former guest-workers to return to their country of origin (Kurthen 1995: 923). Similarly, for most of the 20<sup>th</sup> century, naturalization policy for non-Germans was virtually non-existent (Aktürk 2011: 115). The near impossibility of naturalization for non-ethnics was coupled with liberal immigration policies for German ethnics: Referring to ethnic German migration, Joppke noted, “In Germany, the losers have been asylum seekers and the descendants of Turkish guest workers, whose persecution and membership claims, respectively, were not taken as seriously as those of the ethnic migrants” (Joppke 2005: 189, 206). Beginning with the 1954 Federal Expellee Law, ethnic German migrants obtained access to citizenship and social benefits such as pensions, as well as advantages in access to housing. As the costs for welfare programs for co-ethnic migrants ballooned through the 1980s, center right and center left parties came to an agreement to limit ethnic migration in a series of laws in the early 1990s, the most important of which was the 1993 Asylum Compromise (Koopmans and Olzak 2004; Joppke 2005: 210-212).<sup>21</sup>

Notwithstanding reforms to lower the intake of German co-ethnic migrants and to extend naturalization opportunities to former guestworkers and their descendants, notions of ethnic closure shape the political debates on the terms of citizenship acquisition. For example, the territorial right to citizenship if born in Germany can be taken away if at maturity, the child does not chose sole German citizenship, he or she retains parental citizenship (Özcan 2007). As part of the changes to German citizenship law in 2000 linked to territorial abode, the German parliament also set integration requirements for foreign citizens residing in Germany. The integration requirements serve as an illustration of the state’s efforts to compel residents to take on attributes of German co-ethnics. Foreign citizens had to attend language courses and enroll in courses on German culture. As of 2009, recent immigrants seeking permission to reside in Germany had to pass an integration test that measured language knowledge. For those immigrants already residing in Germany before the integration test requirement existed as a hurdle to entry, they also had to demonstrate language proficiency at an intermediate level either by completing a course or a test. Immigrant individuals and their family members also had to participate in a civics course and test.

Foreign immigrants seeking to naturalize also faced language test and a loyalty oath. In her comparative study of civic integration policies in Western Europe, Wallace Goodman scores the content of civic integration policies on two dimensions, “thickening” or the extent to which the number and difficulty of obligations increases for immigrants to achieve civic integration as stipulated according to the policy and liberalization, the degree to which greater numbers of immigrants succeed in attaining stable residence. As few immigrants can complete the requirements and the German policy has many requirements, Wallace Goodman categorizes Germany as in possession of “prohibitive” civic integration policies (Wallace Goodman 2011).

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<sup>21</sup> In the Asylum Compromise Law, the German state no longer recognizes the resettlement claims of co-ethnics whose birthday is later than January 1, 1993.

### ***Ethnic Closure and Constitutional Patriotism as a Regime in Germany***

Whereas immigrants in the UK have eased access to racial identities as a political resource due to Britain's colonial past and subsequent race relations regime predicated on racial and ethnic inclusion, immigrants in Germany face more barriers to mobilization around racial identities given Germany's colonial and Nazi past as well as the subsequent regime of constitutional patriotism predicated on racial and ethnic closure and opposition to essentialist identities. In fact prominent historians underscore race as a concept that "[has] disappeared as a significant category for understanding German society since 1945" (Chin and Eley 2009: 5).

Constitutional patriotism transfers loyalties members of a nation express towards their country or nation to democratic values as enshrined in a legal founding document of a country such as a constitution. Although the democratic values inspiring constitutional patriotism such as freedom of speech or freedom of religion are abstract and universal, the historical appearance of constitutional patriotism is rooted in specific mid-20<sup>th</sup> century events as they occurred in Germany—Nazism and the Holocaust. In light of complete defeat at the hands of the Allies and the fact of the Holocaust, intellectuals such as Jurgen Habermas, Dolf Sternberger, Karl Jaspers and other political figures developed constitutional patriotism as a substitute for traditional nationalism. They viewed constitutional patriotism as a new way to bind citizens to one another. Philosophers have described how constitutional patriots must cultivate a willingness to energetically police threats to democratic values in order to prevent the return of fascism. Yet Habermas and his contemporaries did not specify the ideal institutions with which to germinate and sustain constitutional patriotism (Mueller 2007: 17, 22). Within a regime of constitutional patriotism, individuals and organizations can be sanctioned for the threats their activities pose to the democratic order. In recent decades, the German court system has taken on a role as arbiter of what political activity is incompatible with the democratic order. In addition to the court system, the Office for the Protection of the Constitution (*Verfassungsschutz*), Germany's only intelligence agency, engages in surveillance in order to monitor threats to the democratic order and enforces bans against Nazi and Communist parties (Mueller 2007: 23-24).

By definition, constitutional patriotism requires that its adherents have a critical relationship to the past. Habermas underscored how constitutional patriots would create "civic solidarity" by engaging in dialogue with each other (Mueller 2007: 31) Postwar Germany lacks the civic good of an "elusive 'thick' social consensus in which one narrative of the past is enthroned," instead proponents of constitutional patriotism elevate the importance of citizens "arguing about the past within liberal legality...[as] a means of fostering social cohesion and solidarity" (Mueller 2007: 35). The contrast between the dynamic relationship constitutional patriots have with the past in Germany and the static relationship of traditional nationalists in Scandinavia, where strong norms of social consensus can calcify history, makes the view of the past fixed in terms of how citizens think about democratic values and the democratic order. Constitutional patriots have a more

dynamic and negotiated view of the past, in which democratic values themselves are generated and regenerated by renegotiation with the past via dialogue.<sup>22</sup>

Despite its foundation of universal democratic values and its embedded critique of traditional nationalism, constitutional patriotism also has a capacity for ethnic closure. Debates over dual citizenship for immigrants reveal the concern that many German constitutional patriots have about the loyalties of ethnic outsiders. The intertwining of citizenship and nationality for membership in the German polity renders Turkish immigrant transformation into German nationals impossible. As long as nationality refers to membership in an ethnocultural community of descent, immigrants cannot become German nationals any more than they can change who their grandparents were. With dual citizenship, immigrants untangle citizenship and nationality such that Turks and other foreigners can be citizens or members in the political community with rights, duties and voice yet retain their legal connection to ethnocultural origins outside of Germany (Kastoryano 2002: 157). Dual citizenship in a German context creates the concept of a German citizen of non-German ethnocultural origins, a concept that did not previously exist. Without dual citizenship, immigrants lose the legal connection to their ethnocultural country of origin—a legal tie that immigrants value because they feel insufficiently protected by the German state from xenophobic violence (Kastoryano 2002: 156). Xenophobic violence and the discourse of foreigners as deserving of violence because of who they are; widespread views of violence as a ‘reasonable’ response to foreigners’ presence in Germany, and belated state action in response to the recent Kebab murders<sup>23</sup> provide evidence of ethnic closure in Germany (Koopmans and Olzak 2004; Kiesel 2014).

### ***Immigrant Activists and Constitutional Patriotism in Germany***

Immigrant activists reflect an awareness of the German identity template of constitutional patriotism in their relationship with Germany’s most prominent minority group—Jews. Turks and other immigrants view Jews as a reference point for political incorporation both negatively, in terms of the limits of assimilation as assimilation did not prevent Jewish annihilation, but also in terms of the Jewish community’s postwar organization and integration as a minority community. For example, in 2002 immigrant leaders including immigrant trade unionists participating in public ceremonies to mark a decade since arson attacks on immigrants in Mölln referenced existing memorial services of Kristallnacht. The Mölln memorial included a visit to the Memorial for the Victims of War and Tyranny,

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<sup>22</sup> Mueller suggests that “memories of colonialism” could be a way to build collective responsibility and solidarity in Europe and offers France as an example of how engagement with the past could provide a path to contemporary societal integration: “The imperative to acknowledge French crimes during and after the Algerian War for instance, is inseparable from the question of how to open up the République to its minorities” (Mueller 2007: 111) See *Constitutional Patriotism* by Jan-Werner Mueller.

<sup>23</sup> See Kiesel 2014 for details on the Kebab murders (Döner Morde). These took place over a decade during the 2000s across Germany and involved the murders of 9 Immigrant (Turkish and Greek) grocers and kebab sellers. Authorities blamed the murders on the pathologies of violence within Muslim, immigrant communities and overlooked the activities of the far-right terrorist cell that had planned the murders, related bank robberies and bomb attacks, later brought to trial for the crimes.

and invited speakers included prominent politicians, officials and Jewish Berliners. Safer Çinar, board member of teachers' union GEW and Turkish Federation of Berlin-Brandenburg critically extended Helmut Kohl's comment on how fortunate later generations of Germans are to have been born after the Nazi period as the "grace of late birth." Çinar affirmed that in fact that as "there can be no grace of late birth...there can be no grace of another birthplace" (Yurdakul and Bodeman 2006: 54). By arguing against absolution of the Nazi past for immigrants due to one's birthplace abroad, Çinar rejects the ethnic closure implicit in Kohl's designation of the Nazi past and the legitimate atoners. By virtue of residence in Germany and moral suasion, immigrants have an inescapable duty to shoulder the burden of the Nazi past as well.

In summary, the preceding section discussed the identity template in Germany makes it difficult to mobilize around race. Paradoxically, although race has been delegitimized due to its dominant association with the Nazi period, political elites and society in postwar Germany have not determined that race equality is a core feature of democracy. This owes in part to the lack of post-colonial migration, and post-colonial participation in political reform. In this way racial and ethnic closure persist in migration and citizenship policy, notwithstanding some liberalizing trends to limit co-ethnic migration and allow non-Germans the opportunity to naturalize. Coupled with negative pressures against race-based mobilization, constitutional patriotism is the positive dimension through which immigrant activists may mobilize. Although discursively neutral and universal, constitutional patriotism is uniquely German as a salve for the problem of nationalism after WWII.

### ***Empire, WWII and the National Context of Race and Difference in Denmark***

Immigrant trade union activists seeking support from trade union leadership in Denmark confront an identity template with few opportunities for mobilization. The Danish identity template is one in which race is both discredited and invisible in contemporary politics (Gilroy 2006; Blaagaard and Andreassen 2012), because of the unique way race is linked to Danish historical periods of colonialism and Nazism. In Denmark, political elites and media regularly reduce racism and racial mobilization to Nazism (Hesse 2004: 15; Goldberg 2006: 336; Jensen et al. 2010).<sup>24</sup> In so doing they reproduce a popular perspective of the Danes as inherently anti-racist given the historic Danish mobilization to rescue Danish Jews from capture and genocide at the hand of the Nazis (Østergaard 2011; Buckser 2001; Quraishy 1991). This view of Danes as victims of a Nazi occupation and then heroes who spirited away Danish Jews limits the kinds of claims immigrants can make which attribute their social exclusion to racism. The Danish conception of the Holocaust as the most

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<sup>24</sup> Goldberg describes the perspective of racism as encapsulated by the Holocaust as a European phenomenon on p336: "in making the Holocaust the referent point for race, in the racial erasure thus enacted in the European theatre, another evaporation is enacted. Europe's colonial history and legacy dissipate if not disappear. The Holocaust is, it belongs to, Europe, transpired on European soil it continues to traumatize political dialogue and debate in Europe, it closes down critical themes in public discourse, it effects certain closures on what can be said and what not."

important illustration of racism and racial mobilization, works in tandem with amnesia and ignorance of Denmark’s role in colonialism in Europe and overseas to circumscribe the ways immigrants can frame their appeals.

As the following section on the Danish identity template shows, although Denmark sold its last colony to the United States in 1917, the virtual absence of postcolonial migration (see Table 2.4<sup>25</sup>) means that contemporary immigrants do not have peer groups upon which to model mobilization as in the British case. Conflict over Denmark’s role in colonial settlement and slavery did not occur between postcolonial migrants and the Danish native population, leading further into anti-racist reform of the Danish nation-state (Olwig 2003: 208).<sup>26</sup> What immigrant activists can turn to as a political opening is a modification of the dominant postwar identity template in Denmark of equality.

Scholars and popular commentators have posited equality as a dominant framework for political organization in Denmark (Hedetoft 2006b). Equality underpins the universalist welfare state as well as the role of women and sexual minorities in politics and society (Olwig et al. 2011; Mouritsen et al 2009; Mouritsen 2006). Equality is also a stated goal of the integration policy for immigrants (Olwig and Paeregaard 2011). However, as conveyed through public debates and state documents on immigrant integration policy, while equality is universal by definition, equality within the Danish political space has strong ethnic connotations as an indivisible feature of Danishness (Hedetoft 2006b; Stainforth 2009). As equality is attained by virtue of “imagined sameness” (Jensen 2010: 184), immigrant activists have found it difficult to attain equality as understood by the native society. Instead immigrant activists must modify the Danish identity template of equality to ‘ethnic equality’ or the right to be different and equal. As the empirical material in the rest of the dissertation will show, immigrant trade unionists have accessed this identity template in attempts to build alliances with native Danes and elicit pro-immigrant action from unions.

**Table 2.4: Total Migrant Stock in Denmark in 2013 at Mid-Year (Top 10 Countries of Origin)**

Germany (35,316)
Turkey (32,829)
Poland (30,931)
Iraq (21,974)
Sweden (21,968)
Norway (19,767)
Bosnia and Herzegovina (18,221)

<sup>25</sup> United Nations Population Division, Department of Economic and Social Affairs. 2013. *Trends in International Migrant Stock: Migrants By Destination and Origin*. (Table 10. Total Migrant Stock at mid-year by origin and by major area, region, country or area of destination, 2013)

<sup>26</sup> Olwig notes that there are “patriotic narratives of the former Danish empire that helped boost a national image of former grandeur...especially elaborated in relation to the former Danish West Indies...[that have been] largely unhindered by the critique of colonialism that has troubled the major colonial powers that maintained close links with their former colonies” (Olwig 2003:208).

UK (18,047)
Iran (13,727)
Romania (13,615)

Source: United Nations Population Division 2013.

Historians have documented extensive participation by Danes in colonial activities both as agents of the Danish crown as well as in the service of other European empires such as those of Britain and France (Naum and Nordin 2013; Blaagaard and Andreassen 2012). For example, by the 1700s, the Danish-Norwegian state set up trading outposts in overseas territories in the Caribbean, India and the West Africa. The Danish monarch Christian IV encouraged entrepreneurs to explore overseas trade and settlement in the hopes that increased tax revenues would decrease Denmark's debt (DeCourse 1993: 155). As these settlements were not commercially viable, Denmark sold its Indian possessions at Tranquebar and the Nicobar Islands to the British in 1845 and 1869, in Ghana to the British in 1850 and the Virgin Islands to the US in 1917 (DeCourse 1993: 157). Greenland also came under the control of the joint monarchy in the early 1700s but shifted to sole ownership by Denmark in the early 1800s. With the full absorption of Greenland into the Danish kingdom in 1953, Greenland's indigenous inhabitants, the Inuit, received Danish citizenship (Sowa 2013: 76). Despite the advent of home rule in 1979, Greenland continues to have dependent status (Petersen 1995: 119).

Past Danish experiences in the colonial settlements of the Americas, Asia and Africa and commercial activities in the transatlantic slave reflect the importance race played a role in the development of Danish politics and society. In the decades preceding WWII, Denmark followed European modes in racial thinking and state policies on eugenics directed at racialized others such as the poor, working class and disabled shaped the establishment of the Social Democratic welfare state (Blaagaard and Andreassen 2012; Wren 2001) Indeed, the views on racial hierarchy embraced by Danish elites and mass society included schemas placing Nordic people at the top ranks of humanity overall and white humanity in particular (Jensen et al. 2010). In a similar parallel to British and German colonialism, Danish citizens benefited from privileged access to economic resources and higher social status linked with racial and cultural hierarchies in the colonies in Europe and overseas (Simonsen 2003). For example, in the Danish West Indies elaborate rules and sanctions governed the social hierarchy organized by skin color. In Greenland, the "birthright rule" provided for higher pay for Danish citizens born in mainland Denmark well into the 1990s (Petersen 1995).

### ***Migration, Incorporation and Citizenship in Denmark***

Immigrant activists seeking pro-immigrant action from union leadership have few options for mobilization due to the Danish identity template as formed during the periods of colonialism and Nazi occupation. The restrictiveness of the Danish template is apparent when one examines migration, incorporation and citizenship policy that have been consistently stringent despite changes in the governing parties.

Flows from Scandinavia dominated immigration to Denmark during the 1950s until the Danish government signed guest worker agreements with Turkey, Pakistan, and the former Yugoslavia. During the 1980s, an additional immigrant stream consisting of refugees and asylum seekers from the Middle East, joined the guest worker population and their descendants. The Danish parliament then moved to restrict access to asylum and naturalization with the 1986 Aliens Act and the updates to the law in 1992 (Hedetoft 2006a). Then conflicts in East Africa and the former Yugoslavia resulted in the arrival of refugees during the 1990s (Bird 2005: 442; Hedetoft 2006a). In 1999, the Danish center-left government earned international notoriety for provisions in its Integration Act since the Act supplied immigrants with a lower minimum welfare benefit than that received by Danish citizens. Under heavy criticism for infringing upon international human rights agreements Denmark actively supported, the government reversed its position on that policy provision. The subsequent conservative government successfully passed a similar provision by extending its application of a lower minimum welfare benefit to Danish citizens as well (Hedetoft 2006a).

As of 2009, new immigrants to Denmark had to fulfill a language integration requirement. In order to renew right to residency documents residents also had to demonstrate that they could speak Danish at an intermediate level and pay course and testing fees. An individual's family members were also subject to the same requirements for language knowledge and integration testing. For those immigrants seeking to naturalize, they also faced an integration test and a written loyalty oath. Similar to Germany, Denmark is also categorized as having a "prohibitive" civic integration regime due to the quantity of standards immigrants must meet and the low numbers of immigrants actually able to meet them (Wallace-Goodman 2011: 179-181). For immigrants seeking to acquire Danish citizenship, the rules are stringent in comparison with other European countries. For example, as of 2001 immigrants faced a waiting period of seven years in order to receive permanent residency, and a minimum of nine years in order to naturalize. There is also a naturalization test that includes language mastery and knowledge of Danish history and culture (Bird 2005). In order to naturalize, an individual's case has to be approved by the Danish parliament (Mouritsen 2012: 100). The 2011 election of Social Democrats delivered a relaxation of some aspects of migration and citizenship law in Denmark. As a result, immigrants seeking to reunite with family members face fewer requirements, have to undergo a waiting period of fewer years in order to attain permanent residence and naturalization and less stringent language standards for naturalization (Mouritsen 2012: 106). In addition to the greater burden of restrictions and requirements that immigrants seeking entry to, residency in or citizenship of Denmark must face, Denmark's identity template reflects comparatively greater ethnic closure than that of the UK or Germany owing to the degree to which immigrants must demonstrate familiarity with and practice of Danish culture in the private realm:

"In Germany, being a citizen connotes solemn constitutional identification and politische Bildung. At stake is the *Rechtstaat*, associated with anti-extremism and fascism, which many doubt that Muslim immigrants are capable of. In Denmark, comprehensive ways

of *being* liberal (defined against religious traditionalism and patriarchy) are at issue...including intimate life in 'democratic' families. This is different from a more 'political liberalism' in Britain, which leaves groups to lead private lives in mutual tolerance of (religious) difference" (Mouritsen 2012: 100).

### ***Ethnic Closure and Ethnic Equality as Identity Template in Denmark***

Equality provides the framework for political mobilization in Denmark's identity template. Yet despite the defining attribute of equality as a concept with universal application, in Denmark, equality refers to sameness amongst an ethnic in-group of Danes and cultural hierarchy of Danes vis-à-vis non-Danes (Olwig et al. 2011: 6). Furthermore, the role of culture more broadly in the Danish identity template is one that has rigid qualities associated with biological determinism—not only is Danishness difficult to share or teach, but it is difficult if impossible for non-Danes to shed their own inferior culture (Jensen 2010:184-185). Cultural hierarchy served as both the driver of historic colonial adventures and informs the present day interpretation of Danes' rescue of Jewish fellow citizens from death in WWII. Immigrant activists in trade unions critique equality and their lack of it as a result of something other than their roots in an inferior culture. While immigrant activists seeking pro-immigrant action by trade union leadership can mobilize in reference to equality, thereby taking advantage of the identity template as opening, since the specificity of their claims regarding a lack of equality necessarily highlights their difference and disadvantage, mobilizing within the equality identity template can also alienate native trade unionists.

Immigrant activists display recognition of the link between equality and cultural hierarchy in the Danish identity template. For example, one official describing the activities of the immigrant association within the Danish labor union movement, Network in the Union (NIF) highlighted the importance of putting contemporary hostility among elderly Danish clients towards immigrant care-workers in historical context:

"we had a student lecture who told us about her project...studying ...Danish history back to the 1917s, where we actually took immigrants and stuff, in cages, like when you go to the zoo, where the animals are exhibited, then we had an entire tribe from Africa, and people could come and see them and see how they lived and cooked. And we saw magazines from many years ago where they wrote about these illiterates and low-thinkers...the entire opinion about immigrants and people from the third world...where do the Danish people come from, what are they brought up with...[if] the 60 pluses are used to seeing ethnic minorities in cages and like circus animals"<sup>27</sup>

Here, this union official suggests that the negative perceptions senior citizens have of immigrants as inferior is rooted in colonial imagery and rhetoric equating people from the developing world with animals, which Danish senior citizens were exposed to in Danish culture. Another official demonstrated awareness of ethnic closure in

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<sup>27</sup> Interview with Mariah Grondahl, FOA, in March 2011, in Copenhagen, Denmark.



Denmark by noting that she and the union more broadly have to deal with client demands for white-only helpers since a prominent far right politician, Pia Kjaersgaard stated publicly that people should be able to request a white helper.<sup>28</sup> Immigrant activists also reveal the unequal experiences immigrants undergo from institutions such as labor unions that have been pivotal in delivering egalitarian social policies for Danes. One informant noted that although immigrants work in areas covered by union contracts, immigrants often suffer contract infringements because they “are not there to put up their issues about what...they want,” but also because they lack relationships with and advocacy on the part of the shop steward.<sup>29</sup>

### **Identity Templates as a Resource for Mobilization**

Thus far, I have explored why attempts by immigrant activists to secure support from union leaders sometimes do not succeed. The key intervening factor influencing what immigrants are able to accomplish as they mobilize and then build a partnership with native trade unionists is the identity template. This chapter discussed the distinct contours of the identity template in the UK, Germany and Denmark by delving into the national histories of race and difference as articulated in colonialism and Nazism.

Each country’s historical relationship to race renders a different kind of mobilizing potential for immigrant activists in labor unions. In the UK, where the race relations regime forms the dominant identity template, immigrant activists grapple with the question of blackness as a way of directly accessing institutional anti-discrimination resources. For immigrant groups with claims based on status as an excluded faith community, the question of racialization also influences the how they frame their demands as well as their aspirations for redress by the state. Immigrants from Eastern Europe and Irish minorities can also refer to the identity template of race in order to make claims.

Immigrant activists in Germany have very few opportunities to mobilize around race. Not only has the Nazi past greatly tarnished the possibility of positive mobilization around race, contemporary immigrants lack peer groups and a discursive and institutional legacy based on post-colonial resistance. Whereas in the UK, former colonial subjects challenged the compatibility of racial hierarchy with liberal democracy as immigrants, neither Jews nor former colonized peoples played formative roles in postwar German nation building. Yet, immigrant activists may still appeal to the dominant identity template in Germany of constitutional patriotism. By grounding their claims in constitutional patriotism, immigrant activists are more likely to convince native trade unionists of the merits of partnership. As criticism of the past is fundamental to the core of constitutional patriotism, this allows immigrants to offer a critique of German democracy that natives may reasonably interpret as bolstering the democratic order. At the same time, the embrace of constitutional patriotism by German society contains implicit connotations of ethnic closure. Natives distrust the constitutional fervor of immigrants due to their non-German ethnic origins and subsequent distance from

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<sup>28</sup> Interview with Jean Petersen, FOA and NIF, in March 2011 in Copenhagen, Denmark.

<sup>29</sup> Interview with Jean Petersen, FOA and NIF, in March 2011 in Copenhagen, Denmark.

Nazi crimes, understood of course as German crimes. In practice, immigrant activists in unions have rejected “the grace of another birthplace” as an excuse not to shoulder the burden of Germany’s past, yet also problematize the continuities between Nazism and postwar democracy in the assumption of Germany as ethnoracially homogenous and hierarchical.

The Danish identity template centers on equality. As in Germany, race has also been delegitimized as a force for political mobilization due to the Nazi past. However, Denmark’s identity template differs in important ways from that in Germany. Not only did the Nazi past discredit mobilization around race, but the Danish rescue of Danish Jews from the Nazis severely limits the credibility of accusations of racism as a problem endemic in Danish society. Whereas the end of colonialism in WWI also resulted in a lack of historical peer groups and resources for contemporary migrants, not only did Denmark not experience a challenge to ethnoracial homogeneity linked to hierarchy from those at the bottom, but the combination of ethnoracial hierarchy and homogeneity emerged as a virtue and critical factor in Denmark’s social democratic achievements. Still, immigrant activists seeking to mobilize can turn to the equality identity template as a resource provided they modify it to include ethnic equality. In so doing, contemporary immigrants dispute the merits of the Danish model for the way it renders immigrants as unequal because they are different.

After mobilization, immigrant activists must try to build partnerships with native trade unionists. In order to build partnerships, immigrant activists have to convince native trade unionists of the merit of their claims as contributing to unions’ organizational position. Immigrants can also demonstrate that their demands correspond with an ideology or identity native trade unionists understand to be meaningful. Although native trade unionists consider the implications for the organizational position of unions as they weigh alliances with immigrants, immigrant activists have some room within which to frame their appeal for cooperation. The following empirical chapters address the ways immigrant activists refer to the identity templates of race in the UK, constitutional patriotism in Germany and ethnic equality in Denmark as they mobilize, then pitch their appeals for partnership to native trade unionists.

## Chapter 3. Confronting the Far Right

### Introduction

Immigrant workers demand that unions confront the far right because opposition to immigrants is a dominant organizing principle for far right parties and movements. Existing scholarship has extensively documented the centrality of xenophobia and racism to the ideology of far right parties in Western Europe (Mudde 1999: 187-190).<sup>1</sup> For far right parties, the nature of the immigrant threat takes on a number of social and economic dimensions. The presence of immigrants of different races, religions, languages and customs poses a cultural threat. Ethno-pluralism, or the concept that the cultural survival of the nation hinges on maintaining the homogeneity of the people residing in the national territory, underpins far right views of immigrants (Minkenberg 2001). Along these lines, parties such as the Front National in France have advocated forced removal of immigrants (Rydgren 2007:244). Far right parties regularly link immigrants to increases in crime and social disorder (De Witte & Klandermans 2000: 709; Zaslove 2004a; 102).<sup>2</sup> During the late 1990s, the Danish People's Party targeted "criminality among the foreigners" in a law and order campaign titled, "Safety Now - The Violence out of Denmark" (Rydgren 2004:485). Immigrants also constitute an economic threat owing to their presence on the labor market, filling jobs that would otherwise go to native workers. Far right parties also view immigrants as illegitimate consumers of social welfare, supplanting native citizens as claimants and reducing the overall generosity of benefits. The policy implications of far right views of immigrants as an economic threat would be to eliminate or limit access to social services on the basis of national origin as has been done in the UK and Denmark (Zaslove 2004a).

The far right poses a threat to unions in a number of ways. First, across my country cases, the far right was a political and ideological opponent of organized labor in the UK, Germany and Denmark at the moment of democratic working class incorporation (Esping-Andersen 1985; Luebbert 1991; Collier 1998; Anderson 2000). Far right parties and movements also play a role as ideological and political contenders for some native trade unionists. As the economic dislocation associated with globalization has made it more difficult for labor unions to enforce the high wages and conditions of collective agreements, far right parties and movements promise a nostalgic return to a period of economic security via ultranationalist and anti-immigrant appeals (Rydgren 2004; Mouritsen et al 2009). In response, many officials in labor unions seek to avoid conflict with the far right in order to prevent membership declines among members with conservative views. Yet, this chapter

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<sup>1</sup> Cas Mudde defines "nationalism, xenophobia, welfare-chauvinism and law and order" as the four strands that make up the ideology of far right parties. See Mudde, Cas. 1999. "The Single-Issue Party Thesis: Extreme Right Parties and the Immigration Issue," *West European Politics* 22:3: 182-197.

<sup>2</sup> Zaslove described links between crime and immigration made by the FPÖ in Austria and Liga Nord in Italy during the late 1990s and early 2000s. Zaslove, Andrej. 2004a. "Closing the Door? The Ideology and Impact of Radical Right Populism on Immigration Policy in Austria and Italy," *Journal of Political Ideology* 9:1; 99-118

shows that immigrant activists in both the UK and Germany surmount this obstacle and obtain union support for reining in the far right. British unions undertake two kinds of strategies against the far right in response to immigrant member mobilization—*education* and *expulsion*. German unions, on the other hand, undertake one kind of strategy—*education*.

Drawing from union documents including charters, media coverage, and in-depth interviews, I show that while unions in both countries conduct workshops, courses, conferences and demonstrations in order to educate members and the community on the threat the far right poses to unions and democracy, only in the UK did protest activities result in the expulsion of a union with members espousing far right views. Immigrant activists in both countries linked their struggles to the relevant identity templates of race in the UK and constitutional patriotism in Germany. Then, after securing native allies, immigrants succeeded in pressuring union leaders to act in their favor. Unique to the UK is the presence of the first black general secretary at the Transport General Workers Union (TGWU), Bill Morris, who put anti-racism at the top of the organizational agenda and facilitated the relay of immigrant activist claims beyond the union local to the regional and national level.

The chapter is organized as follows. I define the far right and examine the broader dimensions of the threat that far right parties and movements pose to labor unions in Western Europe. Then, the remainder of the chapter addresses the different strategies unions can use to confront the far right, namely, *education* and *expulsion* in the British and German cases. I investigate the presence of the far right in local politics, as workplace activity by the far right is linked to local party mobilization. I then examine the presence of language in union charters on the far right in order to assess the degree to which unions are moving beyond accommodation of the far right. The discussion of *education* focuses on the existence of educational programs in unions confronting the far right. The assessment of *expulsion* focuses on instances of individual member or member union expulsion for far right activity.

While my analysis of the British and German cases employs assessments of pro-immigrant action on the far right by national trade unions more broadly and industrial unions in particular, a significant part of this chapter analyzes instances of immigrant activism at Ford Motor Company plants in both countries. A concluding section compares and contrasts pro-immigrant action on the far right in the UK and Germany. Although Denmark is an important case for the broader discussion of pro-immigrant action on the far right, to date immigrant activists have not succeeded in mobilizing within unions to confront the far right. For these reasons, my discussion of Denmark is more limited than that of the UK and Germany.

## **Labor Unions and the Far Right**

Far right activity is present not only in the sphere of electoral parties, but in workplaces and in communities. Immigrants are subject to violent attacks from groups and individuals who identify with the far right milieu (Council of Europe 2013; FRA 2013). Formal members of far right parties and groups and their sympathizers have organized opposition to mosques in many European countries

(Tagliabue 2009; Bevanger 2010; DPA 2014). Far right organizing has also penetrated the workplace (Council of Europe 2013; FRA 2013).

Far right activity in society has had important implications for the willingness of German union leaders to publicly champion policy concerns important to immigrants. During the 1990s and 2000s, union leaders refrained from taking public positions on maintaining the right to asylum and enabling access to dual citizenship out of concern that supporting these issues would create a rift between conservative union members and the rest of the union membership:

“For many years we had a center right government, which for example was in power during the Asylum compromise in 1993... that is why we pretty much don’t have a right to asylum anymore. There we said, let’s keep our mouth shut [on maintaining the right to asylum] or else we will anger the conservatives in the union, so let’s take dual citizenship, there we said, let’s keep our mouth shut or else we will anger the conservatives in the union...”<sup>3</sup>

Despite caution and reluctance expressed by German trade unionists that public statements by the union in support for immigrant issues such as the right to asylum and access to dual citizenship would alienate conservative members, far right parties and social movements still pose an existential threat to unions through violence. Individual trade unionists have received death threats and been victims of arson owing to public positions they have taken on the growth of far-right activity in their districts:

“we have enough people who today receive death threats, we have enough officials who have bodyguards because they opposed the growing neo-fascism, neo-nationalism in their region, who receive death threats, burned out offices or then they need protection, that we have to pay for, so the union has to pay for it, so the state does not do it, that is expensive.”<sup>4</sup>

Another illustration of the ideological threat posed by far right parties to trade unions can be seen in comparing and contrasting public opinion data on the views of union members and non union members. According to the 2012 European Social Survey as shown in Table 3.1<sup>5</sup>, trade union members are nearly as likely as non trade union members to express ideological closeness with far right parties. Descriptive statistics from the same data show how, although trade union members are slightly less likely than non-union members to place themselves on the right wing of the left-right scale, unions in all three national settings must contend with far right sentiment among their membership.

Respondents were asked to place themselves on an 11-point scale of left-right political orientation with ‘1’ as a strong left wing orientation and ‘10’ as a

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<sup>3</sup> Interview with Markus Plagmann, Regional Official, IG Metall, in June 2011 in Berlin, Germany.

<sup>4</sup> Interview with Markus Plagmann, Regional Official, IG Metall, in June 2011 in Berlin, Germany.

<sup>5</sup> Trade union member figures include both current and previous trade union members. N=1294 for Danish union members, and N=281.6 for Danish non trade union members. N=958.1 for German trade union members and N=1856.5 for German non trade union members. N=772.8 for UK trade union members and N=1122.9 for British non trade union members.

strong right wing orientation.<sup>6</sup> Danish unions have the largest portion of their membership who identify with the right wing with just over a third placing themselves on the right wing.<sup>7</sup> Of the three, British unions have the next largest portion of their membership that categorizes themselves as rightwing with nearly one fifth of their members. German unions have the lowest portion of members who self identify as right wing with approximately one tenth of their members placing themselves on the right.

**Table 3.1: Percent of Respondents Reporting Self-placement on Right of Left-Right Scale**

Member of Trade Union		Denmark	Germany	UK
	Yes (sum of current and previous members)	34.9	10.3	18.4
	No (never a member)	47.5	15.4	19.9

Source: European Social Survey 2012 (11 pt scale)

### Education and Expulsion as Union Strategies

Unions can make two kinds of responses to immigrant demands to confront the far right. These responses are summarized in Table 3.2. One strategy for unions is *education*. With education, unions set up training programs at work or in the community for members, representatives and residents that identify the far right as a problem to combat. Education engenders conflict between natives and immigrants since a subgroup of natives (those sympathetic to the far right) are singled out as a problem at the workplace and within the community. By setting up educational programs, unions are diverting resources from other activities to deal with a subgroup of members perceived as a problem to the organization. Whereas unions in Germany and the UK have set up such programs, unions in Denmark have not.

Another strategy available to unions confronting the far right is *expulsion*. Unions can expel or remove individual members from a union or individual unions from the union federation. Expulsion is the most challenging response unions can take in order to confront the far right and engenders the most conflict between natives and immigrants. With this response, members can no longer undertake far right activities in areas under union control because they have been formally removed from the organization. This response is conflict-ridden for natives and immigrants because those union members engaged in expressive far right activities feel entitled to their views and have an alternative vision of how the union can best aid its members via greater opposition to immigrants for example. Only in the UK

<sup>6</sup> The most left wing orientation in the ESS 2012 was designated by the word 'left' and the number 1, 2, 3 etc. designated successively decreasing leftwing orientations until the number 10, which designated a strong rightwing orientation. The strongest right wing orientation was then designated by the word, 'right.'

<sup>7</sup> Most rightwing includes the numerical categories 7-10 and the word category, 'right.'

did I find evidence of expulsion of both individual members and individual unions. German and Danish unions have not expelled individual members and unions for far-right activity.

**Table 3.2: Variation in Pro-Immigrant Action by Unions (Confronting the Far Right)**

Types of Union Responses to Far Right (least to most challenging)	Countries (yes/no)		
	Denmark	Germany	UK
Education	n	y	y
Expulsion	n	n	y

I argue that immigrant activists seeking pro-immigrant action from union leaders on the far right must mobilize themselves and then seek partnership with native trade unionists as allies. Immigrant leaders are then able to pressure union leaders to support immigrants’ interests. As I will show in the sections of this chapter to follow, where as immigrant activists in Britain were able to achieve multiple dimensions of pro-immigrant action on the far right, immigrant activists in Germany achieved fewer dimensions of pro-immigrant action on the far right. To date, immigrant activists in Denmark have not succeeded in mobilizing around the far right. For instance, no mobilizing identity was articulated so immigrants made individual claims rather than group claims. Such a failure was then compounded by an additional failure such as immigrant leaders’ inability to find receptive native allies.

In contrast, German unions set up educational programs targeting the far right. Although immigrant leaders in German unions successfully formed alliances with native workers, the alliances were weak. The weakness of the immigrant-native alliance stemmed from the likelihood of conflict with other native union members sympathetic with the far right on the identification of the far right as a union problem and the inclusion of immigrants and the exclusion of far right union members. Where British unions expelled individual members or unions, the components of the bounded agency argument coalesce in the most complete sense. Immigrant leaders articulating mobilizing identities locate native allies and are powerful enough to prevail in conflicts with natives sympathetic to the far right.

### **Moving Beyond Accommodation of the Far Right in Unions**

Accommodation involves some minimal action to diffuse a specific and limited conflict caused by the far right that does not fundamentally prevent the far right from continuing to organize against immigrants. Accommodation engenders the least conflict between natives and immigrants because for the most part natives can continue to engage in far right activities. Unions in Denmark, Germany and the UK all delivered accommodation. When immigrant activists pressure union leaders to confront the far right and succeed, unions take steps beyond accommodation.

In 2007, 33 percent of the British Trades Union Congress (TUC) member unions had formal rules addressing far right groups: Banking Services Sector Union (Accord), Associate Society of Locomotive Engineers and Firemen (ASLEF), Trade Union for Professionals (Aspect), Bakers, Food and Allied Workers' Union (BFAWU), Britannia Staff Union (BSU), Trade Union for Professionals (Connect), Communication Workers' Union (CWU), Derbyshire Group Staff Union (DGSU), Fire Brigades' Union (FBU), the general multi-sector union, the GMB, Hospital Consultants and Specialists Association (HCSA), National Association of Schoolmasters Union of Women Teachers (NASUWT), National Union of Mineworkers (NUM), Public and Commercial Services Union (PCS), Transport and General Workers' Union (T&G), Transport Salaried Staffs' Association (TSSA), University and College Union (UCU) and the public services union (UNISON).<sup>8</sup> By 2014, the percentage had risen to 39 percent of TUC member unions. In terms of individual membership the rules on far right groups were applicable to 78 percent of individual trade union members in TUC unions (TUC 2014a: 39).<sup>9</sup> For example, the Public and Commercial Services (PCS) union provides for the expulsion of individual members with far right views:

“Any person who is or becomes a member of an organization which the NEC considers to be a fascist or racist organization or who supports, or speaks or circulates material on behalf of any organization concerned with disseminating racist beliefs, attitudes or ideas or who undertakes actions against others (whether members or non-members) designed to discriminate on the grounds of sex race, ethnic or national origin, religion, color, class, caring responsibilities, marital status, sexuality, disability, age or other status or personal characteristic, shall be subject to the disciplinary procedures under these rules and may be expelled from the Union” (TUC 2007b:11).

The public sector union, UNISON, uses similar language on the far right stating that:

“The National Executive Council shall have the power to exclude or expel, as the case may be, from membership of UNISON any individual who gives encouragement to, or participates in, the activities of any fascist organization, faction or grouping whose policies or aims have expressed or implied promotion of white supremacy or racial hatred at their core” (TUC 2014a: 39).

Similarly, the University and College Union (UCU) has a policy of:

“refuse[ing] membership to, or expel from existing membership, any person who is a known member or activist of any extreme right-wing political organization, including the BNP and National Front, where the organization's aims, objectives and principles are contrary to those of UCU” (TUC 2014a: 39).

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<sup>8</sup> See Appendix B for explanation of union acronyms.

<sup>9</sup> In 2011, there were higher survey response rates than for the 2014 Equality Audit. In 2011, 21 individual unions or 44 percent of TUC member unions reported rules addressing the far right. 8 of these unions did not participate in the 2014 survey call.



Given that nearly forty percent of TUC member unions possess a formal policy addressing far right groups, the other 60 percent of unions can be said to accommodate far right groups in their midst. As the largest unions possessing rules addressing the far right include nearly 80 percent of individual members and the unions lacking rules have small membership bases, the majority of individual union members in Britain belong to unions that do not accommodate the far right.

Immigrant and minority mobilization around issues of race and racism as well as subsequent partnerships with white British trade unionists played important roles in delivering union policies on the far right historically and more recently. The TUC's first move to reject the far right and push member unions to follow its lead came in at the 1976 national meeting of the Trades Union Congress. This motion not only asked for "the Government to ban the National Front and the National Party," it urged TUC member unions reject racism and to recognize "that the National Front was engaged on a programme of infiltration of the trade union movement" (Miles and Philzackea 1978: 199). Strikes by Asian workers at Mansfield Hosiery Mills in 1972 and Imperial Typewriter in 1974 around racism on the job and discrimination in pay and promotion combined with native trade union willingness to confront public and electoral mobilization by the far right primarily against Commonwealth immigration pressured union leaders to act (Miles and Philzackea 1978:195). As mentioned in Chapter 2, the 1999 publication of the Macpherson Report on the murder of Stephen Lawrence and the role of institutional racism in the British justice system led to numerous reform initiatives by civil society actors, including the TUC. Black workers' groups and native allies within several unions pressured the TUC to set up a taskforce to tackle institutional racism within the TUC through a variety of methods including monitoring. As a result the first TUC equality audits began in 2003.

The far right is a presence within the membership of German trade unions. In order to gauge the extent of far right attitudes among its members, German trade unions commissioned studies of unionized firms. For example, in its monthly member publication *Direkt*, a 2011 issue reported that extreme right attitudes were present at comparable rates to the non-unionized population, with as many as 20 percent of union members self-reporting prejudice towards immigrants (IG Metall 2011: 1). *Direkt* confirmed the earlier findings of an external study of far right views among trade unionists (Fichter 2008). The presence of far right leanings among union members occurs despite evidence that German unions have been relatively engaged with the in counter mobilization efforts against the far right.

All eight DGB unions channel some portion of their activities against the far right to the non-profit association: *Die Gelbe Hand* (The Yellow Hand). Youth activists in the union came up with the idea of borrowing the logo of a yellow hand from the French anti-racist movement, "S.O.S. Racism" in the 1980s. In 2011, *Die Gelbe Hand* turned 25 and thus attained the status of one of Germany's oldest' antiracism organizations (Die Gelbe Hand 2011). Despite the fact that all DGB member unions support the education and public engagement efforts of *Die Gelbe Hand*, the continued presence of significant segments of the trade union membership espousing far right views illustrates how German unions accommodate the far right among their membership.

## **Confronting the Far Right in the UK**

Immigrant activists in the UK seeking union leadership support in confronting the far right at work and in the community must establish mobilizing identities that resonate with the British identity template of race relations before finding partners among native trade unionists with whom they can pressure union leadership. Given the beleaguered institutional conditions of union weakness in the UK, will be more likely to welcome the offer of immigrant activists as an opportunity to procure new members and enhance union strength. The presence of the first black general secretary of a British trade union, Bill Morris also conditioned union leaders' receptivity to immigrant mobilization.

In the following sections, I analyze the resurgence of far right parties in local British politics in recent decades before moving to discussion of the outcomes of education and expulsion. The next section investigates educational programs targeting the far right as an opponent of unions available via the educational hub of British trade unions, Unionlearn as well as through autonomous immigrant and minority events such as the annual British Trades Union Congress (TUC) black workers' conference. I examine the final outcome of expulsion of individual union members and individual unions in the cases of two unions, the first is ASLEF (Associate Society of Locomotive Engineers and Firemen) which expelled an individual member owing to far right activity, and URTU (United Road Transport Union) in the Ford plant at Dagenham, which was expelled from the TUC due in part to far right activity. I then move to a parallel discussion of the outcomes in German trade unions.

### ***The Far Right in Local Politics in the UK***

The British National Party (BNP) won its first elections in 20 years when voters selected a BNP council member in the 1993 elections in the eastern London borough of Tower Hamlets. As a result of lapses in party organization, the BNP was then absent from local party politics in London until 2001 (Wilks-Heeg 2009: 379). In the intervening years, voter-polling results confirmed that 9 percent of London voters aligned themselves with the British National Party (BNP) in 1998. In 2001, 6 percent and 5 percent of voters in Barking and Dagenham expressed support for the BNP although the party lacked an official presence in the town and had not mobilized voters that year (Rowntree 2005:5-6). Barking and Dagenham, the location of the Ford plant discussed in some detail in later sections of this chapter, is an economically depressed London Borough in the east. Barking and Dagenham has also experienced a rise in the racial and ethnic diversity of the residents of "10 percent in between 1991 and 2001," while demographers predict that it will diversify an additional "14 percent between 2001 and 2021" (Muir 2008: 18).

Employees of the Ford Dagenham plant lived in surrounding London eastern suburbs of Tower Hamlets, Newham, Waltham Forest, Havering, Hackney and Redbridge in addition to Barking and Dagenham (Butler and Hamnett 2011: 45, 156). BNP voter base expanded from 2001 to 2006. Barking and Dagenham, the site of the Ford plant, had the most council members from the BNP of all the local authorities in England in 2006 (Wilks-Heeg 2009: 382). Over the previous decade,

the BNP had been able to take root in Barking and Dagenham, as it was one of “five English local authorities with the largest BNP” presence between 1999 and 2007 (Wilks-Heeg 2009: 392). Whereas many researchers measure far right party success in terms of their ability to achieve seats in national or European parliaments, few researchers use the criteria of presence in local government. Wilks-Heeg argues that examining local level politics is key making sense of the far right in Britain, focusing solely on the national or European level masks inroads that the party is making at the local level (Dancygier 2010; Wilks-Heeg 2009: 377; Goodwin 2008: 347).

### ***Confronting the Far Right in Britain – Education***

British unions offer a number of educational programs in response to immigrant and minority demands that union leadership confront the far right. Between 2001 and 2013, 613,093 union reps finished training segments offered by the TUC or a TUC member union. In 2013, 36,963 union reps participated in TUC offered or TUC member offered trainings, 8 percent of these completed Equalities training courses (TUC 2014b: 10). At both the national and individual member union level, British trade unions produce and disseminate publications on confronting the far right, offer training programs for union representatives and activist members about the far right, and disseminate information about recent and planned campaigns against the far right at union events such as conferences. The British Trades Union Congress (TUC) publishes a pamphlet titled, “Organizing Against Fascism in the Workplace” for members and representatives. The TUC offers training programs for shop stewards including, a course of study titled, “Countering The Far Right.”<sup>10</sup> Union members can also access the course via the educational website for British unions, unionlearn.org.uk. At the course members learn how to identify far right ideas and link them to detrimental effects for workers, circumstances for dismissal, and steps available to managers and union representatives. The TUC and numerous member unions such as the GMB have partnered with the non-profit Searchlight organization to set up educational programs at workplaces and in the community targeting racism and the far right such as Essex and Basildon near London and Cardiff (Searchlight 2014).

At union events such as the annual TUC Black Workers’ conference, activists disseminate information about recently completed and planned efforts to combat the far right. For example, at the 2011 TUC Black Workers’ Conference, the committee on race relations reported on the Unite Against Fascism Coalition in which unions joined with religious and other community based groups to provide canvassing and other support to Labour local government candidates being challenged by BNP candidates. The Race Relations committee also reported on the regular occurrence of demonstrations by another far right group, the English Defense League, in neighborhoods with large immigrant and minority populations and counter demonstrations by labor unions, religious and community groups. Future activities around the English Defense League included registering complaints

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<sup>10</sup> For a list of training courses addressing issues of unequal treatment, visit, [www.tuc.co.uk/equality-issues/equality-courses](http://www.tuc.co.uk/equality-issues/equality-courses)

with and improving ties with law enforcement as union members perceived that law enforcement had unfairly targeted them (TUC 2011: 10-12).<sup>11</sup>

Similarly, motions put forward at the 2009 TUC Black Workers' Conference by the Public and Commercial Services Union and seconded by UNISON condemned the slogan "British Jobs for British Workers" used at the Lindsey Oil Refinery Strike because it "encourages racist and xenophobic politics of parties like the BNP." The TUC Black Workers Conference also sought to distance itself and unions more broadly from the slogan and underscored that "this was not the slogan of the Lindsey Oil Refinery Strike Committee" (TUC 2009b: 3).<sup>12</sup> Another motion at the 2009 conference put forward by the National Union of Teachers and seconded by Unite the Union, urged the TUC to "continue campaigning for clear rights for all unions to exclude BNP members from their own membership" as well as to "campaign for BNP membership to be deemed incompatible with public service employment" (TUC 2009b: 5).<sup>13</sup>

Lastly, at the 2007 TUC Black Workers Conference, the Public and Commercial Services Union (PCS) also introduced a motion titled "Defeating the far right." Discussion of that motion focused on the growing presence of EU parliament members from far right parties and urged the TUC to work with ETUC to stem far right influence at the European level (TUC 2007b).<sup>14</sup> Motion 8 by the National Union of Rail, Marine and Transport Workers, and seconded by Amicus (before it merged with other unions to form Unite the Union in 2007) targeted local government inroads made by the BNP (TUC 2007b).<sup>15</sup> This motion also conveyed the information to members that the Black Workers' conference supported the recent expulsion of BNP activists from union membership. In this way, conference attendees learned that expulsion of far right individuals could be an actionable option in their home unions even if their union did not have a formal policy at that time.

### ***Confronting the Far Right in Britain – Expulsion***

British unions were the only unions to expel individual members and member unions for ties to far right organizations. ASLEF expelled an individual member active in the BNP in 2004 (TUC 2007b).<sup>16</sup> ASLEF's decision was bolstered by the European Court of Human Rights when, in February 2007, it affirmed that unions could police its ranks for persons who "advocate views 'inimical to its own'" (TUC 2007a: 12; Ewing 2007). In 1996, at the behest of one member union, Transport General Workers Union (TGWU), the TUC expelled another member union, The United Road Transport Union (URTU), for taking in individual members sympathetic to the far right and seeking to avoid sanctions for discrimination.

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<sup>11</sup> See Motion 5, "Campaigning Against Racism and Fascism."

<sup>12</sup> See Emergency Motion 2: "British Jobs for British Workers."

<sup>13</sup> See Motion 3: "World Economic Crisis and the Far Right."

<sup>14</sup> See Motion 7, "Defeating the Far Right."

<sup>15</sup> See Motion 8, "BNP."

<sup>16</sup> See Motion 8, "BNP."

### *Expulsion of a Union*

Immigrant and minority workers faced difficulties gaining employment as truck drivers at Ford Motor Company owing to the far right sympathies of the white British truck drivers and ensuing discriminatory practices against immigrant and minority workers and in favor of family networks. The greater London region where the Ford plant was located has been a site of industrial decline since the 1970s. Over the same period, a growth in the minority and immigrant population and competition over scarce public resources (Dancygier 2010) has rendered fertile ground for British National Party recruitment. Although some industrial workers lived in the same town as the Ford plant, Dagenham, many others resided in nearby towns and commuted in to work from Tower Hamlets, where the BNP won its first council seat two decades in 1993, Newham, Greenwich, Bexley and Havering. Far right activism remained electorally invisible for the rest of the decade, yet present in the community with sporadic attempts to mobilize support in the eastern areas of the borough including at plants such as Ford. By the summer of 2008, Barking and Dagenham was the local authority with the greatest number of BNP councilors—12 (Wilks-Heeg 2009: 382).

Although the truckers and the immigrant workers seeking trucking jobs were members of the same union, the Transport General Workers' Union (TGWU), the TGWU sued Ford Motor Company for racial discrimination in the hiring of truck drivers at the Dagenham plant on behalf of seven employees, later known as the "Dagenham Seven", six of whom were Asian and one was black (Jones 1996). Drivers received salaries of "30,000 pounds a year" for hauling automotive machinery between Ford's domestic assembly sites within Britain (Routledge 1996). Drivers also made international transfer and supply runs between Ford's international assembly sites in other countries such as France and Germany. Although black and Asian workers counted around 2/5 of the factory employee total, only 2 percent had been able to get jobs in the trucking division owing to a number of difficulties they faced getting hired as drivers (Clement 1996).

White British workers prevented immigrants and minorities from accessing jobs via the application, testing and training process. For example, court proceedings documented the claims of "one black driver, Harvey Thomas [who] was excluded from the training programme and replaced by a white applicant who had failed his initial test but had a relative in the fleet" (Routledge 1996). Media reported statements from truckers defending the status quo in hiring at a diversity training: "It is not my fault if Pakis can't drive. We are too concerned with Pakis and blacks in this company. It's all a lot of bollocks-There is nothing wrong with calling a Paki, a Paki" (Routledge 1996; Milne 1997a).

### *Bill Morris as an Immigrant Leader*

Bill Morris, the first black general secretary of the TGWU (1991-2003) was the prominent leader of immigrant origin who played a pivotal role in pressuring the TUC to expel a member union as a result of this dispute (Goodman 2010). Morris made the most of the public statements on the trucker protests. Together with the 7 plaintiffs, they provided an interpretation of the dispute anchored in racism and oppressed racial identities experienced by the plaintiffs. Morris and the plaintiffs

publicly underscored the need for racial redress because whites were preventing non-whites from equal access to the trucking jobs. This race-focused interpretation also sought to discipline the firm and the union for supporting discrimination.

There were two sides to the intra-union conflict over the discrimination in hiring suit. On one side, were 300 white truckers and on the other side were 7 Asian and black plaintiffs who brought the suit against Ford Motor Company. Both the truckers and the plaintiffs were members of the same union, TGWU.

#### *Morris' Partnership with Native Allies*

As the TGWU general secretary, Bill Morris, had taken a leading role in bringing the plaintiff's case forward as well as in building support among leaders within the TGWU, external to the TGWU and at the British Trade Union Congress (TUC). Inter-union conflict became an issue once the truckers decided they wanted to leave the TGWU and join another union, the United Road Transport Union (URTU). The reason the white truckers wanted to join another union was that they disagreed with the grounds of the TGWU suit, even though the defendant was the employer, not the white truckers. The truckers wanted a union which would better support their interest in maintaining control of the hiring process for their division. They also wanted to escape disciplinary action.

#### *Making the Case for Expulsion*

As a leader of immigrant origin, Bill Morris played a pivotal role in pushing expulsion of URTU from the TUC forward. Bill Morris wanted to prevent the native white truckers from leaving TGWU membership at all, because it might enable them to escape from or delay implementing any hiring reforms resulting from the suit if they were members of another union. Rather than taking on the truckers directly, Bill Morris directed his efforts against URTU, and made the following two arguments. If the URTU accepted the truckers as new members, it would be the equivalent of supporting discrimination in hiring. Additionally, the URTU could not accept the truckers as members without being in violation of the TUC anti-poaching clause governing relations between member unions. According to the TUC anti-poaching clause, individual rank-and-file members cannot switch memberships from one TUC union to another unless both unions agree to allow it. Reporting of exchanges between Bill Morris and the URTU described Morris as attacking URTU for "condoning the drivers' flight" as well as "complicat[ing] the campaign to end discrimination at Ford...[as] damaging the reputation of the whole trade union movement in the eyes of black people in particular" (Boseley 1996).

When faced with the threat of expulsion, the URTU union tried to change the terms of the dispute. URTU maintained that truck drivers did not contact them in order "to protect a discriminatory system" rather they were unhappy that "their own union...has decided to take industrial action without consulting them, even though the allegation is the system is being operated by their senior drivers" (Boseley 1996). The truckers sought to leverage their pivotal position within the firm by threatening to go on strike if the TGWU won the lawsuit. Media reported that a trucker work stoppage "could easily bring the whole company to a stand still" (Boseley 1996). Despite the danger of a strike by the truckers, which could

jeopardize the earnings for the firm as well as jobs, the TGWU kept up its efforts with the lawsuit and union officials affirmed publicly that the TGWU leadership would not support discrimination (Routledge 1996).

By 1997, the TGWU had won the suit, and secured monetary redress for the plaintiffs as well as the introduction of an “independent assessor” to make the hiring procedures more transparent. In response, the native white truckers left the TGWU and became URTU members. At that point the TGWU swung into further action and got the TUC to present the URTU with a slate of options. Firstly, the URTU had to leave the TUC, or convince the truckers to return to the TGWU, then pay a substantial fine to the TUC (Milne 1998). As the URTU eventually left the TUC, the truckers found themselves in a greatly compromised position. Ford was not going to recognize URTU and if the truckers went on strike to get recognition, news reports suggested that Ford planned to use an outside firm represented by the TGWU union, TNT, for trucking needs. TGWU maintained that it had played no role in Ford’s strategy of preventing a trucker strike. Ford also did not publicly confirm the reported strategy (Milne 1997b).

#### *Expulsion as Pro-Immigrant Action in the UK*

In this case of pro-immigrant action, Bill Morris, the general secretary of the TGWU played a pivotal role in eliciting pro immigrant action of expulsion from the TUC. Although media accounts of the dispute reveal competition between race-based and class-based interpretation of why the truckers excluded immigrants and minorities from the jobs, Morris’ interpretation of the dispute dominated. On the other hand, the truckers of URTU viewed the dispute through the lens of class, and saw their efficacy as workers as threatened since minority members of the TGWU wanted the employer to resume control of the trucking division hiring process and make it more transparent. Their class-based account underplayed the far right sympathies and discriminatory actions taken by native union members to prevent immigrants and minorities from accessing jobs. Immigrants’ viewpoint of the centrality of race to their treatment won out owing to their linking of their grievances to the race relations regime in the UK and its resonance with native coworkers and subsequent various tiers of union leadership at the TGWU and the TUC.

#### **Confronting the Far Right in Germany**

In order to elicit pro-immigrant action from union leaders in confronting the far right, immigrant activists first exercise agency by establishing mobilizing identities that mesh interpretively with the German identity template of constitutional patriotism. Then, immigrant activists must build alliances with native trade unionists in order to pressure union leaders. Although the membership rolls for German unions have decreased since the early 1990s, German unions remain institutionally anchored in extra-parliamentary policy-making processes—a role that British unions have never secured.

As far right parties and movements make inroads into German local politics, the far right vies with unions for native working class support. For example, union

officials have increasingly had to deal with far right interlopers disrupting public events where speakers express support for asylum seekers. Far right demonstrators also display raucous agreement at union events criticizing welfare reform. Indeed, both far right parties and unions are sharply critical of cuts in the social safety net resulting from the Hartz IV reforms and the growth of low wage work (Langenau 2004; Classmann 2015). Unions, however, vehemently reject the far right explanation of economic and social dislocation as the fault of racial and religious minorities. Confronting the far right is an issue with both ideological and material implications for unions as organizations. When immigrant activists demand that union leaders rein in the far right, native trade unionists weigh the potential loss of far right members with the potential gain of immigrant members. In addition to these material calculations of potential member gains and losses, native trade unionists consider their organizations' ideological commitment to solidarity and democratic government that is challenged by the presence of the far right.

### ***The Far Right in Local Politics in Germany***

After numerous difficulties struggling to secure a foothold in electoral politics, the far right in Germany has succeeded in making inroads at the local level, state level but not the national level (Bornschiefer 2010:165). In 2014, far right parties gained seats in the European parliament. In recent elections to state and local parliaments, far right parties also made some gains. For example, the Alternative für Deutschland (the Alternative for Germany) won seats in five state parliaments in 2013 (Berbair et al. 2015). Where the far right has made electoral gains, it has benefited from a strategy of reinvention as a "citizens' social movement" in order to build a wider base of support. The Pro Cologne movement is one such example.

The Pro Cologne movement is made up of former followers of the German far right political parties, the Nationaldemokratische Partei Deutschlands (NPD), the Republikaner and the Deutsche Liga für Volk und Heimat (DVLH). Pro Cologne registered itself as an association, "Bürgerbewegung Pro Köln" (Citizens movement Pro Cologne) in 1996 in order to escape government scrutiny (Killguss et al. 2008: 55). In 1999 Pro Cologne ran for office in municipal elections. From the beginning Pro Cologne took on issues by organizing protests that it thought would broaden its base of support to average middle class German voters. For example, Pro Cologne opposed the construction of a mental health facility for prisoners in one district, and it opposed a new red-light district in another area of Cologne (Killguss et al. 2008: 58-59; Wodak 2013: 154).

The protest issue that allowed Pro Cologne to leverage its gains as a social movement into electoral results as a party were the anti-mosque protests in Cologne. In 2002, Pro Cologne started a petition as a "non partisan citizens' initiative to bring people into the fold of the far right" but allowing citizens to voice their opposition to the building of a new mosque in Cologne (Killguss et al. 2008: 64). Pro Cologne entered Cologne's city parliament with 5 members in 2004 (Wodak



2013: 154).<sup>17</sup> In addition to attaining seats in Cologne's city parliament, Pro Cologne succeeded in spawning movements with electoral aspirations such as Pro NRW and Pro Berlin. Pro Cologne also succeeded in gaining the membership of mainstream center right politicians such as Jörg Uckerman who left the CDU (Killgus et al. 2008: 64).

### ***Confronting the Far Right in Germany—Education***

A comprehensive view of the kinds of activities that make up union educational efforts to confront the far right as threat to core union values and goals is reflected in statements by German union leaders. In a DGB publication, DGB president Annelie Buntenbach listed “demonstrations, shedding light on extreme right ideologies and codes as well as political education and memorials to the victims of Nazi violence,” as part of the German trade union federation's efforts. Buntenbach also underlined the person-to-person dimension of education against the far right owing to the fact that “racist and anti-humanist attitudes are widespread among the social mainstream (DGB 2010: 3).”<sup>18</sup> IG Metall training centers offer seminars at regional training centers in Berlin, Beverungen and Spockhövel that address the problem of far right movements at work and in the community. Courses have titles such as, “Critical Perspectives on Europe: Nation—Exclusion—Crisis” which was offered in 2015, and “Take Action Against the Far Right!” which was offered in 2008. In these courses, members, shop stewards and works councilors could learn about the world-views of people active in far-right cultural scenes and different tactics for dealing with conflict at work. IG Metall has also co-organized expert evaluations of the seminars and other educational activities it undertakes to confront the far right. In 2009, IG Metall in partnership with Hans Böckler Stiftung, organized a conference to disseminate the results of these evaluations.

Although, the German trade union federation (DGB) and its individual member unions, such as IG Metall have undertaken a number of anti-far right educational activities, educational activities also occur at the local and firm level. Works councils at different firms have taken the initiative to educate union members. For example, far right groups (Autonomen Nationalisten) have a base of support in the Dorstfeld neighborhood of Dortmund and disrupted May Day events organized by the regional office of the DGB in 2009. Far right groups have also issued death threats to works councilors. In response the IG Metall-dominated works council at one local firm in Dortmund took vocational training apprentices on

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<sup>17</sup> Currently, Pro Cologne holds 2 of 90 seats total as of 2014. 2 other far right parties also hold seats in the city parliament. The Alternative für Deutschland has 3 seats and the Freie Wähler has 1 seat. Source Rat der Stadt Köln (City Parliament of Cologne). 2015.

<sup>18</sup> Author translation of “Die Gewerkschaftlichen Strategien und Aktivitäten gegen Rassismus, Antisemitismus und Rechtsextremismus sind vielfältig. Dazu gehören Demonstrationen, die Aufklärung über rechtsextreme Ideologien und Codes genauso wie die politische Bildungsarbeit und das Gedenken an die Opfer der nationsozialistischen Gewaltherrschaft. Aber es geht auch um die Bekämpfung der Ursachen rassistischer und menschen feindlicher Einstellungun, die bis in die Mitte der Gesellschaft weit verbreitet sind.”

a field trip to Auschwitz and set up an annual clean-up day to erase Neo Nazi graffiti and stickers from public spaces (IG Metall 2011b: 6).

German sectoral unions and the German trade union federation undertake numerous educational activities with the object of identifying the far right as a threat to democracy and trade union values. For example, in a newsletter issued by IG Metall's section/working group on migration, housed in the executive board, one article warns readers of the gains "extreme right parties and neo-Nazis" are making in "local politics, local associations, in schools and in the broader youth culture (IG Metall 2008: 16)." The newsletter publicized the fact that more than 100 members took part in a seminar on strategies to combat the far right. Workshops addressed topics such as how to keep Nazis away from union events, managing open and hidden extreme right views in the workplace, and tools of antidiscrimination.

In addition to educational activities organized by the German trade union federation (DGB) and various sectoral member unions, immigrant union activists utilize affinity structures within the sectoral member unions to organize seminars and protests that confront the far right. IG Metall the metal sector union, Ver.di the public sector and services sector union and IG BCE the chemical sector union have at least one representative in the national office devoted to migrant issues, IG Metall and Verdi have numerous migration committees at the local, regional and national levels, and all three have national level migration conferences similar to the black workers conference held by the TUC.

Immigrant activists in the metal workers union IG Metall have convened a national migration conference on alternating years that addresses numerous issues important to immigrant trade unionists including far right mobilization at work and in the community. At the 10<sup>th</sup> Migration conference in April 2014 in Sprockhövel, a keynote speech by IG Metall board member, Christiane Benner condemned the recent murders of immigrants by far right terror cell, Nationalsozialistischer Untergrund (NSU) as well as far right attacks on housing for refugees and asylum seekers (Benner 2014: 5). Benner noted that several union locals offer safe havens for refugees and asylum seekers (Benner 2014: 6). Benner also criticized gains far right parties have made in elections for the European parliament. During the previous 2012 convening of the IG Metall Migration Conference in Kassel, key note speakers also referenced the NSU murders, one of which had occurred in Kassel in 2006 and reiterated IG Metall's support for a ban on the extreme right political party, the NPD as well as stricter surveillance and sanctions for non-party far right associations (Benner 2012: 5). Similarly, immigrant activists in Ver.di convened its first national migration conference in May 2011. The second national migration conference took place in April 2015. At both of these conferences, participants discussed far right mobilization as a concern and the need for expanded education about the danger of the far right through workshops and counter-protests (Ver.di 2015). The chemical workers union, IG BCE has also organized an annual conference that has drawn the participation of immigrant activists since 1970, the Recklingshäuser Tagung. In 2011, reflecting a view common to German unions, the key note speaker IG BCE board member Ulrich Freese, also underscored IG BCE's commitment to a ban of the extreme right political party, the NPD coupled with tightened restrictions of far right movements (IG BCE 2012).

*Protest as Education: Pro Cologne Counter Demonstration as Pro-immigrant Action by German Unions*

In addition to providing educational courses on the far right threat and disseminating published materials among union members, German trade unions also organized and participated in events confronting the far right that served an educational purpose for union members and the larger community. One such event, a 2008 counter-demonstration against the far right group, Pro Cologne, provides evidence for my argument about the conditions for pro-immigrant action by unions. In order to successfully convene the protest against the far right, immigrant union activists exercised agency in developing a mobilizing identity around constitutional patriotism. They then built alliances with native trade unionists in order to gain support for their protest. Lastly, immigrant activists allied with native trade unionists succeeded in getting union leaders to participate in the protest action as well as their employer—Ford AG.

What had started as the pet issue of a few activists at the Ford plant in Cologne had ballooned to 40,000 protest participants on September 20, 2008. A far-right group, Pro Cologne had organized an anti-Islam conference and invited famous far-right politicians from across Europe including Jean-Marie Le Pen from the French political party, the National Front. Immigrant activists wanted to disrupt the conference as Pro Cologne had been active in municipal politics in Cologne in opposing the building of a mosque in the Ehrenfeld borough of Cologne (Ueberall 2006; Kölner Stadt-Anzeiger 2008; Kölner Stadt-Anzeiger 2011).<sup>19</sup> Because immigrant activists succeeded in gaining the support of native trade unionists, not only did native trade unionists attend the protest and attract numerous organizations and individuals to the counter-demonstration, immigrant activists and their native allies secured employer support for their activities against the far right. As a result of the demonstration, the far-right conference organized by Pro Cologne was cut short owing to logistical difficulties. Invited speakers such the head of the Austrian far-right party, the FPÖ, cancelled. Although “1500 Pro Cologne supporters were expected,” only 1/10 of the total attended, while as many as “500 leftwing radicals were arrested” for destroying property, assaulting officers and Pro Cologne representatives (Kölner Stadt-Anzeiger 2008).

The main demonstration took place in front of Cologne Cathedral and smaller groups of protesters congregated near different borough council buildings in anticipation of the arrival of Pro Cologne members and supporters. In Cologne-

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<sup>19</sup> DiTiB, a Turkish governmental agency which oversees Islamic ecumenical matters in Turkey and for the Turkish diaspora submitted a proposal for a mosque to be built on land which it already owned in Cologne-Ehrenfeld. In 2003, talks began between DiTiB and the municipal authorities on construction. In 2006, a public debate on the mosque began, and all the parties except Pro Cologne supported the mosque, although the Christian Democrats were not unified on this issue. Hanalore Bartscherer, representative of a Catholic organization noted that “this is a completely legitimate request that people have a place of worship large enough to accommodate them where they live...What could we as Christians, have against it, that Muslims want to pray and follow their faith in a mosque?” In 2007, Pro Cologne sued to stop construction of the mosque. In 2009, the foundation was laid and in 2011, the dedication of the mosque took place.

Nippes, the borough mayor conducted formal duties in the parking lot. In Cologne-Rodenkirchen, a member of the city parliament from Pro Cologne was assaulted by protestors. Left radicals prevented Pro Cologne supporters from disembarking from a boat in order to attend conference activities. Hundreds of protestors including Bundestag social democrat, Lale Akgün and the SPD's shadow mayor, Jürgen Roters convened in front of the mosque in Cologne-Ehrenfeld in order to confront attendees of the anti-Islam conference. Pro Cologne had planned a bus tour for its supporters including a visit to immigrant neighborhoods and the mosque they opposed. On the day of the conference Pro Cologne supporters were unable to attend conference events owing to orchestrated obstructionism and outright opposition to Pro Cologne and its supporters from the police, taxis, hotels and restaurants (Kölner Stadt-Anzeiger 2008). This opposition was initiated by immigrant activists and their native allies.

*Constitutional Patriotism as Mobilizing Identity for Immigrant Workers at Ford*

Immigrant shop stewards and works councilors in partnership with native German colleagues at the Ford plant in Cologne kick-started organizing against the Pro Cologne conference in 2008. These immigrant activists were prepared to develop the counter demonstration as they had participated in confrontational organizing around bread and butter union issues such as pensions<sup>20</sup> and had been part of early protests against Pro Cologne. Immigrant activists could count on the support from other union officials because they had gotten IG Metall to back the initial proposal to construct a mosque in 2001. Immigrant activists could also leverage networks within the local DGB in 2008 since they had organized small demonstrations when Pro Cologne voiced initial opposition to the building of the Cologne mosque in 2001 and again after 2004 when Pro Cologne was elected to the municipal parliament (Heister 2008; Jenkner 2008).

Works councilor, Mustapha Coezmez summarizes the important role played by immigrant shop stewards at the Ford plant: "The metalworkers' union in Cologne supported the building of the Cologne mosque...After the Pro Cologne group organized against the construction...at the Cologne Ford factories, with the metalworkers union, [people here] organized a counter demonstration. [Many] took part, thousands took part."<sup>21</sup> Not only were immigrant labor activists able to cooperate with German trade unionists within IG Metall, DGB and other DGB member unions such as ver.di and IG BCE, immigrant works councilors got employers' support for the counter demonstration:

"...also the company supported us, all the managers made a statement against this far right group. We explained to people what we were about, everyone could decide for him or herself, a hundred

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<sup>20</sup> Group interview with Uwe Gertner,\* Deniz Rahman,\* Haydar Binici,\* and Rashid Macar\* in June 2011 in Cologne, Germany. All four were IG Metall shop stewards and works councilors at Ford AG in Cologne, Germany.

<sup>21</sup> Interview with Mustapha Coezmez, IG Metall, Ford AG, in June 2011 in Cologne, Germany

thousand<sup>22</sup>, not only from Ford [took part], in TV, media, radio. In the end, the demonstration didn't happen. Pro Cologne did not have a demonstration...Only the counter demonstration took place. Pro Cologne had no event. Every carnival group made them [look] ridiculous. Whole restaurants in the area closed, [saying]'No beer for the radical right.' We initiated this."<sup>23</sup>

My informants, shop stewards of Turkish background except one, described passing out flyers and holding meetings at work with colleagues to get them to attend the counter demonstration. After getting the support of the local DGB leadership as well as that of other unions, they also succeeded in getting the plant management to become a signatory for the counter demonstration. Additional organizing by the DGB youth wing helped to expand the mobilization until it became a city-wide movement, "Köln stellt sich quer" (Cologne stands in opposition [to the far-right]). A contingent of employees, led by shop stewards and works councilors attended the counter-demonstration and displayed a banner with the logo of the company and the statement: "Ford stellt sich quer" (Ford stands in opposition [to the far-right]).

Interviews with four shop stewards and one union representative on the company supervisory board showed an awareness on their part of the difficulties they would have mobilizing a broader cross section of the public to maintain support of the building of the Cologne mosque given Pro Cologne's attacks on the project. Rather than present themselves as 'pro-immigrant,' 'pro-Islam' or 'pro-mosque,' the organizers decided the best course of action was to highlight the constitutional right to freedom of religion. Articulating a mobilizing identity around the constitutional right to freedom of religion allowed immigrants to gain support from Germans for the issues that mattered most to them—namely the construction of mosque and discrediting of mosque opponents (Pro Cologne). The selection of constitutional rights as the mobilizing identity also placed Islam within the context of a broader right to freedom of religion.

#### *Forging Alliances with Native Trade Unionists for Pro Cologne Counter-Demonstration*

When immigrant activists expressed their demand for religious inclusion in terms of access to constitutional rights and opposition to the far-right group Pro Cologne, they articulated a mobilizing identity based on constitutional patriotism. Immigrant activists from Ford then built alliances among the native co-workers at the plant and with native trade unionists locally and regionally. Speeches on the counter-demonstration by native trade union allies reflect their acceptance of the immigrant mobilizing identity of constitutional patriotism. While the mobilizing identity of constitutional patriotism served the shared value system for immigrant activists partnering with native trade unionists, native trade unionists faced additional challenges. In order to generate the support for a successful counter-demonstration against Pro Cologne, native trade unionists had to maintain their

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<sup>22</sup> My informant's estimate of people attending the protest is much higher than the 40,000 reported by news media.

<sup>23</sup> Interview with Mustapha Coezmez, IG Metall, Ford AG, in June 2011 in Cologne, Germany.

commitments to immigrant colleagues while appealing to potential native support within and without trade unions. This challenge is evident in the contrast between the remarks made by DGB Cologne-Bonn official Wolfgang Uellenberg-van Dawen to a mixed crowd of native and immigrant activists in August 2008 with that of IG Metall official Wittich Rossmann to mostly German audiences lacking ties to the trade union movement on September 17, 2008. Both preceded the counter demonstration itself on September 20, 2008.

In a speech titled, "Trade Unionists Against a Congress of Racists," Uellenberg-van Dawen addresses the issue dear to many immigrant activists, particularly of Muslim faith, within the trade union movement—Pro Cologne's opposition to the building of a mosque in the city as sign of the growing threat of Islam to German society. He describes Pro Cologne: "These people say they are warning [others] about the 'creeping Islamification of society and the dangers of Islamic terrorism' and oppose the construction of mosques, minarets and the muezzin's call"(Uellenberg-van Dawen 2008: 1). In text that pitched to native German union members tempted by the appeal of the far-right, Uellenberg-Van Dawen maps the transformation of the core far-right message in which foreigners are scapegoated for society's ills to a newer version in which Islam is to blame for everything:

"They shamelessly exploit many people's ignorance of Islam...The fact that there are believers and nonbelievers from Turkey, that Muslims, Alevites, Armenians, Turks, Kurds, the whole diversity of that country lives here—the people from Pro Cologne are not interested in that. In Cologne, 42 percent of the inhabitants are Catholic, 27 percent are Protestant, 11 percent are Muslim and the rest are atheists or some other religion. Pro Cologne also doesn't care about that because then they couldn't keep spreading their fairy tale of Islamification" (Uellenberg-van Dawen 2008: 2).

Furthermore, when describing the far-right politicians from across Europe who Pro Cologne invited to attend their conference, Uellenberg-van Dawen underscores the anti-immigrant credentials of each. For example, the far-right party leader from France "Jean Marie Le Pen...has been sowing hate against the French who immigrated or came from former colonies," and an Italian invitee, "Mario Borghesi...wants to split off the northern part of Italy and hunt foreigners" (Uellenberg-van Dawen 2008: 2-3). He then closes his speech with the exhortation that not only is the main problem with Pro Cologne the fact that they are virulently anti-immigrant and anti-Islam, but he makes a class-based critique as well. The Pro Cologne organizers consist of "well-off lawyers," who are out-of-touch with the economic worries of the working class (Uellenberg-van Dawen 2008: 3).

A later speech by Dr. Wittich Rossmann, a local official of IG Metall's Cologne branch is striking for its shift in focus, discourse and framing as Rossmann broadens the appeal for support to larger segments of society. The title of the speech does not mention the object of the counter-demonstration, such as Pro Cologne or 'European racists' as mentioned in Uellenberg-van Dawen's speech, rather Rossmann's title is "On the Rally, 'Cologne stands against [the far right]'" (Rossmann 2008: 1). Rossmann acknowledges the support shown by firms, artists, politicians, youth groups and

Christian groups in addition to unions and works councils organizing the counter demonstration. Then, the speaker discusses the values and convictions rooted in Germany's postwar constitution as those inspiring the counter-demonstration, implying clearly that Pro Cologne does not share them. The highlighted values include, "...gender equality, unequivocal opposition to disadvantage based on gender, origin, race, language...belief, religious and political views. And freedom of conscience as well as undisturbed practice of religion" (Rossmann 2008: 1). He then goes further to connect Pro Cologne to Nazism and describes Pro Cologne as a "reactivation of nationalism, racism and intolerance" (Rossmann 2008: 2).

### **Confronting the Far Right as Pro-Immigrant Action: The UK and Germany in Comparison**

How do British and German trade unions compare in the outcome of confronting the far right? In the UK, the contrast between large unions with language in their charter establishing the grounds for the expulsion of far right members and small unions that lack language designating the far right as an organizational threat is at minimum legalistic. In legal terms far right members face a more hospitable climate in unions lacking specified terms of expulsion of far right members than those unions whose charters do contain such language. In Germany, both internally and externally sponsored studies of far right attitudes and beliefs among trade unionists suggest that despite the commitment of all eight DGB member unions to an anti-racist, anti-extreme right NGO over nearly 3 decades, far right views continue to flourish among some union members.

Immigrant activists in both Britain and Germany succeeded in gaining education as a dimension of pro-immigrant action by union leadership against the far right. In both cases, autonomous immigrant structures within labor unions helped to facilitate the mobilization of immigrants as well as their partnership with native colleagues. Black workers' structures in the UK and migration committees and conferences serve as forums for the recognition of shared grievances for migrants and minorities as well as lobbying organs for fruitfully channeling demands to union leadership. Union representatives can participate in courses targeted at the far right threat and organized by the trade union federations in both countries. Individual unions and trade union federations produce organizing materials for members and union representatives seeking to challenge far right discourse on the job and in the community.

The sections examining incidents of protest at Ford plants in the UK and in Germany most clearly convey the importance of identity templates in aiding the expression of immigrant agency through mobilization. In the sole case of member union expulsion, TGWU successfully sought the expulsion of the truckers union, URTU from the British Trades Union Congress, the TUC, owing to the actions of members whose far right views enabled them to discriminate against minority and immigrant workers at the plant. South Asian and Caribbean origin workers framed their struggle in the context of the British identity template of race relations and won the support of the TGWU general secretary, Bill Morris. At the German Ford plant, immigrant activists sought to build a broad base of support at the plant and in

the broader community for their right to exercise the freedom of religion as Muslims. Immigrant activists successfully mobilized in a way that resonated with the prevailing identity template of constitutional patriotism.

A prominent difference in the outcome of pro-immigrant action in confronting the far right is that the unions in the UK utilized both strategies of education and expulsion, whereas pro-immigrant action by German union leaders included education only. One interpretation is that immigrant activists were therefore able to achieve more pro-immigrant action from union leaders in the UK than in Germany. Another difference concerns the arena for change in confronting the far right. Whereas, in the UK case, confronting the far right entails challenging far right parties and movements in the workplace and in the community, in the German case, confronting the far right, particularly in the protest example, entails a greater priority placed on confronting the far right in the community rather than in the workplace. As this chapter has introduced and the following chapter will examine in more detail, German unions are more reluctant to address the workplace practices of discrimination that often result from far right views.



“What do you do when your colleagues call you a monkey?”  
Anthony Sylvester, 3F (Denmark)

“They are Kanaken, can’t read, they stink, they are lazy and you know, I know that before people said that we stink and we are lazy...historically. That is why when I heard it and said, ‘No, I can’t stand for that.’”  
John Benjamin, IG Metall (Germany)<sup>1</sup>

“How big a problem was it? There was a culture of discrimination. Ok, so if a white person said ‘Oh, you’re a black bastard,’ it was acceptable.”  
Kamaljeet Jandu, GMB (UK)

## Chapter 4. Addressing Discrimination at Work

### Introduction

Hate speech is one of numerous forms of discrimination faced by immigrants on the job in Denmark, Germany and the UK. Discrimination or disadvantage based on the ascribed characteristics of their immigrant status ranges from issues of work climate such as bullying to difficulties immigrants face accessing desired work assignments, training and promotion. Yet, immigrants vary in their ability to compel labor unions to address discrimination. When labor unions do address discrimination, there are three kinds of action they can take. Unions can *acknowledge* that immigrant members deal with discrimination. Unions can also undertake *policy adoption* on anti-discrimination that sanctions such behavior by managers and co-workers. Lastly, unions can then see that anti-discriminatory policies are fully *implemented* through monitoring. Considered separately, acknowledgement, policy set-up and implementation are three types of pro-immigrant action unions can take in support of immigrants’ concerns about discrimination at work.

There is an extensive experimental literature on labor market discrimination experienced by disadvantaged groups such immigrants, minorities and women, that provides substantial conclusive evidence of discrimination as an explanation for differences in unemployment rates of immigrant and native workers in advanced industrialized countries. For example, after acquiring education and training, employers reward German workers more often with higher status and pay in their first job than workers with an immigrant background (Constant & Massey 2005). In Europe and North America, workers with immigrant backgrounds are less likely to hold positions commiserate with their level of education and training when compared with native workers. In other words, independent of qualifications, immigrants are more likely to hold positions beneath their qualification levels than native workers (Heath and Cheung 2007). Numerous audit studies set in the West European context have analyzed employer call back data collected when

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<sup>1</sup> John Benjamin is a pseudonym.

researchers submitted resumes, identical except for names signifying native or immigrant-origin or racial minority membership, to actual job postings (most recently, Kaas and Manger 2012; Midtbøen and Rogstad 2012, Midtbøen 2015; Cebolla-Boado, Miyar-Busto, and Muñoz-Comet 2014). Differences in the rates of employer call backs served as evidence of discrimination against immigrants and minorities.

Scholars explain labor market discrimination as the result of hostility due to economic competition among natives and immigrants for jobs or hostility linked to cultural differences. These economic and cultural threats can operate as single factors or in combination with each other (Dancygier and Laitin 2014). While discrimination experienced by immigrants at the point of hiring is important for understanding the economic integration of immigrants, these studies do not shed any light on the integration of employed immigrants. What are the working conditions like for immigrants who have overcome discriminatory barriers in hiring and have jobs?

The findings presented in this chapter suggest that immigrants continue to face numerous barriers, particularly disparaging treatment from employers, co-workers and clients, which are individually and institutionally harmful. On the one hand, victims of discrimination suffer personal, social and professional damages. On the other hand, institutions of worker voice and representation also suffer to the extent they are incapable of engaging discrimination as a sphere of workplace conditions. When victims of discrimination have claims that remain unmet by unions, unions effectively cede control of the workplace and weaken the ties between members who are victims and the organization as well as ties among members.

### **Comparing the National Context of Anti-discrimination Policy**

The national context of anti-discrimination policy differs. Whereas several trade unions in the UK have set-up anti-discrimination policies, German trade unions and Danish trade unions tend to lack anti-discrimination policies. Equality Audit Reports administered by the British trade union federation, the TUC, surveys TUC member unions on several measures including the presence of anti-discrimination policies. For example, in order to ensure that immigrant members do not face greater obstacles accessing training and promotion, 35 percent of TUC member unions in 2009 had signed collective agreements that include “time off for English language classes” or “recognition of foreign qualifications (TUC 2009a: 29).” In addition, given that immigrants and minorities maybe unfairly targeted for disciplinary action by managers due to their ascriptive characteristics, the TUC collected data on the percentage of member unions (24 percent) “monitoring grievances and disciplinaries by ethnicity” according to terms of their collective agreement that same year. By 2009, an additional 33 percent had negotiated collective agreements with clauses for “positive action to address underrepresentation (TUC 2009a: 26).”

Whereas the British TUC monitors its member unions for the existence of anti-discrimination policy, the German trade union confederation does not currently

monitor member unions in this way. In fact many trade unionists have been reluctant to concede that discrimination is an important concern. Union dominated works councils have responded to immigrant demands for policies addressing discrimination in a small number of firms.<sup>2</sup> In addition there have been union pilot programs designed to address discrimination. Yet, firm-based and union-based programs lack implementation and remain unenforced.<sup>3</sup> The Danish trade union federation in contrast with both the British and German trade union federations lacks both monitoring of member unions for anti-discrimination policy as well as agreements at either the firm- or collective-level containing anti-discrimination policy (Wrench 2004: 12). LO, the Danish trade union federation and the DA, the Danish employer's association formed a unified front in expressing their desire to avoid anti-discrimination legislation as both social partners viewed legislation as a threat to their autonomy in creating policy governing the labor market. While both social partners have released policy papers on immigrant integration, these statements have not covered anti-discrimination policy (Wrench 2004: 12). Collective bargaining agreements also have not included anti-discrimination policy.<sup>4</sup> Table 4.1 summarizes the variation in pro-immigrant action by unions against discrimination.

**Table 4.1: Variation in Pro-Immigrant Action by Unions (Addressing Discrimination)**

Types of Union Responses to Discrimination (least to most challenging)	Countries (low, medium, high)		
	Denmark	Germany	UK
Acknowledgment	low	medium	high
Policy Adoption	low	low	medium
Policy Implementation	--	--	medium

This chapter explains the differences in action by British, German and Danish trade unions to address discrimination. I argue that when immigrant trade unionists mobilize around an identity, then build alliances with native trade unionists, they can compel union leaders to enact anti-discrimination policy. The following sections draw on diverse data including interviews, reports and secondary research in order to show how union *acknowledgement* of discrimination faced by immigrants is the result of agency and alliances on the part of immigrant trade unionists. Later

<sup>2</sup> Immigrant activists within union-dominated works councils have concluded firm-level agreements including statements on zero-tolerance for racism, xenophobia and discrimination at a number of individual companies such as Volkswagen and Daimler. See: Akin, Semiha, Michaela Dälken and Leo Monz. 2007. *Betriebs- und Dienstvereinbarungen. Integration von Beschäftigten ausländischer Herkunft, Analyse und Handlungsempfehlungen (Integrating Foreign National Employees. Company Agreements: A Practical Guide)*. Frankfurt: Bundesverlag.

<sup>3</sup> In interviews, Petra Wlecklick, IG Metall and Safter Cinar, TBB Board member and former GEW Board Member reported a program from the early 2000s to support the development of immigrant-origin leadership within IG Metall that was never implemented.

<sup>4</sup> Interviews with Anthony Sylvester, 3F in June 2009 and March 2011 in Copenhagen, Denmark

sections of the chapter trace the role of agency and alliances in eliciting the *adoption* of anti-discrimination policy as well as its *implementation*. Both intervening variables of an identity template and union strength shape the pathway to pro-immigrant action by unions on discrimination. In Denmark, immigrant activists are most constrained by the narrow band of available identities as well as union strength in pressuring union leaders to act on discrimination. Britain by contrast offers immigrant activists the broadest selection of available identities and an institutionally weak union setting rendering native unionists more cognitively amenable to more types of immigrant mobilization as well as more able to directly benefit. In Germany, some modes of immigrant identities are palatable to native unionists and declining institutional position has repositioned native unionists as potential beneficiaries of pro-immigrant action on discrimination.

### **Denmark**

Peter Rimfort and Azad Cakmak, two officials at the Danish collective bargaining cartel for industry (CO-Industri), described discrimination as “the biggest problem in Denmark.”<sup>5</sup> The views expressed by these union officials are exceptional in that they acknowledge discrimination faced by immigrants at work as a pressing problem. Far more widespread, from health care to manufacturing, is a reluctance of Danish union leaders to affirm the problems discrimination causes for immigrant workers. Of the 17 sectoral unions that form the membership of the Danish trade union federation, LO, 12 unions have no records of any statement issued on discrimination against immigrant members or a policy to address discrimination. These include the Technical Union (TL), Social Educators (SL), the Service League (SF), the Painters’ Union (MFD), Danish Railways (DJ), the Danish Handball Players’ Association (HSF), the Union of Military Personnel (HKKF), the Food and Allied Services Union (NNF), the Prison Association (FF), the Danish Union of Electricians (DEF), the Plumbers Union, and the Danish Artists’ Union. In 2013, four unions, 3F, Dansk Metal, FOA and the Players’ Association expressed their opposition to racism and discrimination in a press release and called on the government to come up with a plan to fight discrimination.<sup>6</sup> HK, the union of white-collar professionals, has had an independent complaints board for members with concerns about organizational processes in the union, which also reviews complaints about ethnic discrimination. It does not address complaints on issues such as “political decisions, unemployment insurance matters.”<sup>7</sup>

The following sections describe the context for anti-discrimination law and policy in Denmark and examine the obstacles faced by immigrant union members in the Danish Nurses Union (DSR), in the public sector union (FOA) and the industrial union (3F) in gaining pro-immigrant action from unions around discrimination. In

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<sup>5</sup> Interview with Peter Rimfort and Azad Cakmak in July 2011 in Copenhagen, Denmark

<sup>6</sup> Christensen, Per, General Secretary of 3F, Peter Kvist Jorgensen, General Secretary of FOA, Mads Oland, Director of the Players Association and Henrik Kjaergaard, Vice-President of Danish Metal. 2013. “Joining Forces to Fight Discrimination,” (Faelle kamp mod discrimination) March 21.

<sup>7</sup> HK. 2014. Rules for the Complaints’ Board (Regler For Klagenævnetsarbejde) Accessed online January 12, 2015. <http://www.hk.dk/omhk/oplysning/klagenavn/regler-for-klagenavnets-arbejde>

all three cases, unions minimally acknowledge discrimination as a problem facing immigrant members. In two of three cases, unions set up weak policies to address discrimination, however these have not been implemented.

### *Anti-Discrimination Law and Policy in Denmark*

Before Denmark conformed to EU anti-discrimination legislation, namely the 2000/43/EC Racial Equality Directive (RED), little in the Danish legal regime addressed discrimination by race or ethnicity (Mouritsen et al. 2009). There is no ban of discriminatory acts in the Danish constitution. Legal scholars in Denmark do not have a consensus on whether a constitutional commitment to equality exists and the degree to which it could be used legally to anchor discrimination suits based on race or ethnicity. Few cases have made their way through the legal system as racial or ethnic discrimination suits. The Board of Equal Treatment, founded in 2009 and empowered to adjudicate cases of discrimination including on the grounds of race and ethnicity, has had fewer than 50 cases each year between 2009 and 2013.<sup>8</sup> Danish administrative law contains language on “equal treatment” and the Danish penal code specifies grounds to punish people who issue “racist statements and racist propaganda” however in practice, freedom of expression has received greater priority in legal disputes (Mouritsen et al. 2009: 84-85).

In 1971, Denmark signed the UN’s International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). ICERD had little impact on Danish law until 1996 when the “law on prohibition against difference of treatment on the labor market” was passed (Mouritsen et al. 2009: 85). The 1996 law bans “direct or indirect difference of treatment on the grounds of race, color of skin, religion, political conviction, sexual orientation as well as national, social and ethnic origin” except “when similar protection is given by way of general labor market agreements” (Mouritsen et al. 2009: 86). In fact, discrimination was allowed before 1996 and few people currently have information about laws preventing discrimination and the possibility for redress (Mouritsen et al. 2009: 107-108).

Debates over the transposition of the Racial Equality Directive (RED) in 2000 among Danish political actors revealed numerous points of contention including whether employers should be compelled to set up policies that target discrimination (Mouritsen et al. 2009: 88) Center-right politicians, particularly from the Danish People’s Party, maintained that discrimination is absent from Danish society due to its core commitment to equality. For example, Bent Bogsted of the Danish People’s Party argued that antidiscrimination policy has no place in Denmark and harms the country:

“What is happening is that it is made more difficult for the Danes to live in their own country. With the law in hand the Danes are ...persecuted (*forfulgt*)...if we are not wearing velvet gloves when we are dealing with immigrants and refugees (...) This law, along with

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<sup>8</sup> The Danish Appeals Board (Ankestyrelsen). 2014. “Figures and Statistics from the Board of Equal Treatment,” August 26. Accessed online on January 13, 2015 from the Danish Appeals Board website: <http://ast.dk/naevn/ligebehandlingsnaevnet/tal-og-statistik-fra-ligebehandlingsnaevnet>

others like it, is contributing to the creation of reverse racism” (Mouritsen et al. 2009: 94).

Although members of the Danish People’s Party expressed opposition to the EU’s racial equality directive, distrust of the directive spanned the political spectrum for the following reasons. Danish politicians in the center and on the left also shared the deeply held view of equality as a value fundamental to Danish national identity. Danish politicians also saw labor market discrimination as an issue best addressed by the social partners rather than via parliamentary action. Mouritsen highlights the role of these two factors, popular across political parties, as obstacles to the timely adaptation of the Racial Equality Directive and subsequent implementation: “The firmly rooted notion that Danish society and culture is based on equality and treats all people equally seems to lead to blindness towards institutional rules and practices that entail institutional and indirect discrimination” (Mouritsen et al. 2009: 119-120).

### *Trade unions, Employers and Anti-discrimination policy*

While Danish trade unions have implemented policies to address gender discrimination such as systems for collecting and addressing complaints, and offer training courses to shop stewards on how best to obtain redress from employers in cases of gender discrimination, unions have not addressed discrimination by race and ethnicity in the same way. Not only do Danish employers and trade unions lack a legal mandate to address discrimination more broadly, the social partners lack a mandate to engage in specific anti-discriminatory activities such as meting out sanctions when discrimination occurs, or collecting data at the firm level on the job position and progression of ethnic minorities through the firm hierarchy. While exceptional projects exist in which employers and unions collaborate to address the obstacles faced by immigrant workers seeking jobs and promotions including indirect discrimination, the findings of these projects do not have any binding effect on other workplaces where similar dynamics may be occurring.

In addition to the lack of a legal mandate, additional reasons Danish unions generally do not address racial and ethnic discrimination include the need to retain far right union members with hostile views to immigrants; the Danish model itself as it generates strong pressures to suppress minority or particularistic interests such as those of immigrants; and employer opposition. On the ways the particularistic immigrant demands generate conflict with the collectivist aims of Danish model, Ib Maltesen, consultant on Integration Issues at the LO pointed out: “Equal treatment becomes the enemy of integration, in the sense that everybody should be given the same. Then you cannot solve problems for special groups with special problems.” (Mouritsen et al. 2009: 112) Pernille Leidersdorff-Ernst, legal council for LO pointed out that the antidiscrimination policy in collective bargaining agreements is “close to non-existent for the simple reason that the DA has not wished to implement provisions in these areas. It has not been possible to get them [DA] to the negotiation table” (Mouritsen et al. 2009: 111) However, both Danish trade unions and employers view antidiscrimination policy for the labor market as something that should not be addressed by legislation because they see that as an incursion of the state into their shared domain of control. Allowing the state to play

a greater role in anti-discrimination policy would be to cede power to the state. However, in the case of anti-discrimination policy, the state is not keen on expanding its expertise. To some extent, state actors in Denmark also agree that anti-discrimination policy in the labor market is best addressed by the social partners (Mouritsen et al. 2009: 113, 119).

Immigrant activists within trade unions link the delays and debate over implementing the RED in Denmark to problems getting trade unionists to acknowledge discrimination and develop and implement encompassing policy solutions. Anthony Sylvester, equalities consultant for 3F pointed out about himself and his colleagues who promote immigrants' rights in other unions:

“...we want our confederation to accept and address discrimination. Denmark does not accept that discrimination exists. If you look at EU legislation on equality which had to be incorporated by member countries, i.e. in UK, NL, it's called legislation against discrimination, but here in DK, this is very important, it is called legislation against different treatment. But you have to treat people differently to gain equality.”<sup>9</sup>

As this chapter will show, immigrants' ability to gain support from unions for anti-discrimination policy is so limited, that immigrant members must turn to outside organizations such as the Documentation and Advice Center on Racial Discrimination (DRC). The DRC has developed a reputation as a voice in Danish civil society in favor of anti-discrimination policy due to its past partnerships with the ILO in cross-national studies on discrimination in employment. Niels-Erik Hansen, Executive Director of the Documentation and Advice on Racial Discrimination Center described the audit study he helped to oversee in which identically qualified Danish, Pakistani and Turkish applicants applied for several hundred posted jobs: “When the Turkish youngster asked for the job, he was told it was taken, when the Danish youngster asked for it, he was more likely to get it.” For Hansen, participating in the ILO studies revealed that discrimination exists at levels in Denmark comparable to the US and Spain.<sup>10</sup> In addition, immigrant union members turn to the DRC because the NGO is willing to rely on methods to document discrimination which trade unions are uncomfortable using such as taping phone conversations between immigrant victims of discrimination and employers. Hansen explained why they needed to record conversations:

“[For] 10, 15 years, people told us they were asked crazy things in interviews, like which team [would] you choose in the world cup if Turkey and Denmark are playing or we won't take you because our customers won't like you. So we write a letter to the firms, they say it never happened. So we asked people to call back and say, 'why wasn't I hired' and tape the interviews. Then the employer says, 'Yeah, I'm not racist but...' and say the same thing. So when we have the tape, we send another letter and 9/10 times the company says we are lying, that we cannot prove it. Then we take the tape and the transcripts and

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<sup>9</sup> Interview with Anthony Sylvester in June 2009 in Copenhagen, Denmark.

<sup>10</sup> Interview with Niels Erik Hansen (DRC) in July 2011 in Copenhagen, Denmark.

then we send transcripts and say yes, we can prove it...The trade unions are afraid of using this as a tool. They think the employers could use it against trade unions.”<sup>11</sup>

Given the lack of a legal tradition of anti-discrimination policy in Denmark and resistance across political parties and the social partners to the challenge posed by discrimination to the Danish national self understanding as an embodiment of egalitarianism, immigrant union members have struggled to get a response from union leadership on issues of discrimination. However, to the degree that immigrant union members have succeeded in getting Danish unions to engage in pro-immigrant action around discrimination, they have undergone the process of exercising agency and building alliances in order to secure support from union leadership. In the rare cases when immigrant activists developed and articulated a shared identity, they have struggled to find allies among native coworkers who can then aid in getting unions to acknowledge discrimination occurs, develop policies to address it, and then to implement anti-discrimination policies.

#### *Few Native Allies for Immigrants in the Danish Nurses Union (DSR)*

Despite agency exercised on the part of immigrant origin trade unionists in the Danish Nurses Association, the lack of allies among native trade unionists made it difficult for immigrant trade unionists to secure pro-immigrant action from native trade union leadership in the Danish Nurses Union (Dansk Sygerplejerad). In terms of immigrants' claims regarding discrimination, native trade unionists contested the notion that discrimination was an issue for immigrants at work in Denmark, thereby failing to acknowledge discrimination as a legitimate concern. Secondly, efforts to goad the DSR into adopting any policies on racial and ethnic discrimination landed for the most part on deaf ears.

DSR shop steward and psychiatric nurse Özlem Sara Cekic founded the Diversity Network, an organization for immigrant-origin health workers (Lindevalle Hansen 2007). Cekic, a Danish citizen of Turkish and Kurdish background, saw a need for an autonomous immigrant organization like the Diversity Network in order to address concerns facing immigrant-origin workers such as discrimination which trade unions were reluctant to address. Cekic explained the reasoning behind naming the organization, the Diversity Network as an attempt to challenge discourse within the union and Danish society at large in which non-Danish ethnic origin is viewed as a problem: “It is a very conscious choice...behind the name ‘Diversity Network.’ For instead of seeing the cultural differences as barriers, it is that we are different...[that is] a resource...Diversity is a good thing” (Kjægaard 2005c). Cekic further specifies skin-color as an important trait affecting the experiences of Diversity Network members although members have roots around the world: “It is not about other ethnic immigrants like Norwegians and Swedes. Us with a brown skin color—we are the first to face prejudices and barriers...The networks' members come from countries as diverse as India, Iran, Iraq, Turkey and Thailand, but common to them is that they have negative experiences as professional nurses in the Danish health system” (Kjægaard 2005c).

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<sup>11</sup> Interview with Niels Erik Hansen (DRC) in July 2011 in Copenhagen, Denmark.



Some of the accomplishments of the Diversity Network included fielding and publicizing a survey of local government responses to requests for white-only care givers or nursing homes<sup>12</sup>; determining how widespread the absence of hospital policy on ethnic equality is in most large Danish hospitals and publishing op-eds on the need for ethnic equality policy in the Danish public sector (Cekic 2006b; Cekic 2006c; Cekic 2006d). In a press release issued by the Diversity Network, Cekic faulted her union for failing to field a member survey that included questions on discrimination. In her view, inaction on the part of DSR undermined the cause of “ethnic equality” in the union. Cekic also castigated the union for declining to provide financial support to the Diversity Network, although it counted numerous immigrant trade unionists among its members and dealt with workplace issues.

Above all, Cekic underscored the fact that several immigrant-origin nurses and health workers had reported experiences of discrimination to the Diversity Network rather than the trade union where they were members because they were “afraid to have problems in their workplace” (Cekic 2006a). Cekic viewed the ethos of decentralization that characterized the relationship between Danish social partners as the culprit for the unaddressed concerns of immigrant-origin workers, in that DSR viewed ethnic and racial discrimination as a non-issue and to the extent that it was an issue at all, as one that should be addressed locally by shop stewards and managers on a case-by-case basis rather than collectively.

In addition to seeking aid from the Diversity Network, immigrant nurses and health workers facing discrimination at work also brought their concerns to an external NGO due to the unwillingness of their trade union to acknowledge their concerns. The Documentation and Advisory Center on Racial Discrimination (DRC) handled provided legal aid to 11 nurses seeking to pursue their claims in court. Nils Erik Hansen, DRC executive director, publicly urged unions to assist immigrant members with their claims (Kjægaard 2005d). For example, two of the immigrant nurses with legal claims, Peruth Pedersen and Nancy Sorensen, complained that their professional credentials were regularly called into question by colleagues, students and patients although both had completed their training in Denmark and lived in the country at least 25 years. The nurses experienced both excessive supervision of basic tasks and professional marginalization. Both contacted their union representatives about the difficult work climate they experienced and did not receive help. Peruth Pedersen was told to look for another position (Kjægaard 2005a).

In response to the legal claims filed by immigrant union members through the DRC and the resulting publicity on television news, employers and native trade unionists who shared a workplace with the immigrant claimants expressed shock and bewilderment at the complaints of discrimination made by their co-workers. One employer representative, Kristin Faurby, head of planning at the Health and Care Department in the town of Varde stated publicly:

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<sup>12</sup> At the time the telephone survey requesting white-only care was fielded, it was against the law for employers to discriminate by race, however the survey found that 7 of 8 districts confronted with a telephone request for white-only care, positively accommodated these requests.

“As a manager, I was aware that Peruth Pedersen had problems, but to me they had nothing to do with discrimination...At no time did we talk about discrimination during her employment so it is a big surprise for me and my colleagues that she now goes out to the media and says she has experienced discrimination at her former workplace” (Kjægaard 2005b).

Trade unionist and head nurse at Kolding hospital, Heine Rasmussen stated in reference to a former immigrant co-worker:

“I cannot speak specifically about Nancy Sorensen’s recruitment process, but it comes as a complete surprise to us that we had an employee who experienced discrimination in our department” (Kjægaard 2005b).

One county level union official Anni Pilgaard, attributed the workplace conflict to “cooperation problems—and not discrimination” (Kjægaard 2005b). Another union official Birgitte Krusell admitted the possibility that the problems faced by members who are not ethnic Danes could be a lower priority that also required extra work: “We do not want to discriminate against our members but...there may be a group that does not receive the help they need because they have some other problems than the majority.” Similarly, Krusell noted that due to Sorensen’s “other ethnic background,” she could imagine native union representatives saw the situation as taking “a harder time to solve her problems...than [those of] their Danish colleagues” (Kjægaard 2005b). In summary, although immigrant health workers organized themselves into a diversity network and sought allies among native trade unionists, immigrant trade unionists struggled to convince their native colleagues and union leaders that discrimination was a problem.

### *The Lack of Agency in a Danish Public Sector Union (FOA)*

Where immigrant trade unionists fail to exercise agency, native allies are limited not only in their ability to effect higher-order changes such as anti-discrimination policy within the union, but in securing unions’ basic acknowledgement that discrimination occurs. This was evident in the limits encountered by one native shop steward able to get her immediate supervisors to acknowledge the incidence of discrimination in her workplaces, but unable to effect acknowledgement of discrimination or formal policy changes for shop steward training in anti-discrimination in her larger region.

Mariah Grohndahl leads a crew of social helpers including cleaners and basic caregivers for the county of Gladsaxe. Her 100-person crew includes 30 immigrants. She is also a shop steward for the public sector union FOA, which is recognized by the local government. As a shop steward, Grohndahl facilitated standard trainings for all her employees. However, for a number of her immigrant staff lacking secondary education beyond the sixth grade or advanced knowledge of Danish, she also negotiated employer support for remedial education and language courses.<sup>13</sup> According to my informant, because the kinds of courses and educational opportunities some immigrants need occur outside of the standard professional

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<sup>13</sup> Interview with Mariah Grohndahl in March 2011 in Copenhagen, Denmark.

development courses offered by the union, immigrants rarely have access to a shop steward who has the knowledge of external language courses or the interest in helping immigrant members access them. In her view, this unequal access to courses that would advance immigrant members due to the differing needs of immigrant and native members, constitutes one type of discrimination, that many native trade union shop stewards do not address. In her view, many immigrants need a Danish advocate to help them navigate the system, however they do not receive that from the union and advance professionally at lower rates than their native colleagues. When asked about other immigrant cleaners outside of her crew and whether they could access remedial training Grohndahl noted:

MG: But like I said, we have 30 in the rest...

AN: There are 30 other ones who are not [in remedial education]?

MG: Who are not, because they didn't have a leader to do it and I'm not there either.<sup>14</sup>

My interviewee also described the discriminatory treatment her team of immigrant cleaners encountered when sent to the homes of elderly Danish clients for assignments. Many of the elderly people made prejudiced comments when confronted with the immigrant cleaners. Grohndahl stated:

"when they started coming to the old people, we had a lot of trouble. We had many occasions where the old women opened the door and saw this black beautiful woman standing there and said, 'Oh God, it's a black day!' ...it was, yeah, bad, bad, bad."<sup>15</sup>

However, in contrast to her fellow head stewards, Mariah took several steps to address the prejudicial treatment of her immigrant cleaning team by their elderly Danish clients. Grohndahl spoke to members of the local government about the need for an educational campaign targeting seniors and informing them that they cannot request home aides by race. She also led the launch a media campaign in the magazine for seniors published by the local government in order to present biographic profiles of the immigrant cleaners and highlight stories of friendship and fruitful working relationships between immigrant cleaners and Danish senior citizens. As she was able to convince the mayor and vice-mayor as well as other politicians in the local government of Gladsaxe of the problem of prejudice among Danish senior citizens vis-a-vis their immigrant social helpers, and get them to issue a public statement address it, Grohndahl also tried to use the occasion of local government support to advocate among her fellow shop stewards for a change in their approach to immigrant union members. In her view, shop stewards have to become aware that many elderly are prejudiced against immigrants and this prejudice affects immigrants' ability to do their job. However, her fellow shop stewards did not think prejudice and discrimination were an issue:

"...in my entire community it was a problem...But it was only in my district, we made an effort, we had interviews, but it was a problem in the other areas...I went out and spoke to the other head stewards. But they didn't see it. But actually I saw that as a problem, because that

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<sup>14</sup> Interview with Mariah Grohndahl in March 2011, in Copenhagen, Denmark.

<sup>15</sup> Interview with Mariah Grohndahl in March 2011 in Copenhagen, Denmark.

told me that the reason they didn't see was because they didn't ask. And maybe, I don't know, maybe it was because, I was anticipating it, I thought that was going to happen, the same thing as when a man is coming to an older woman...giving her a bath, I would know there would be a problem."<sup>16</sup>

While the public sector union FOA provides an example of a native union member willing to advocate for the acknowledgement of discrimination faced by her co-workers, she ultimately had little impact on convincing her native colleagues to acknowledge discrimination beyond the workplaces where she was personally active, much less initiate policy setup and implementation. What was decisive was the fact that she and her native co-workers lacked contact with a group of mobilized immigrant union members who were capable of defining and drawing attention to problems they faced at work with discrimination.

#### *Agency but Weak Allies at 3F*

While immigrant trade unionists in public sector unions struggled to convince native trade unionists that discrimination exists, immigrant trade unionists faced a similar battle in the private sector services union, 3F. Anthony Sylvester, equalities consultant in 3F's national office, and co-founder of the Network in the Union (NIF), an immigrant organization that began as an EU sponsored project of the LO (Danish national trade union confederation) provided an account of how Danish unions fail to address discrimination faced by immigrant and minority workers. While Sylvester was active as an individual in pursuing anti-discrimination policy as part of his professional tasks as an integration consultant at 3F and at the confederation level through NIF, he could not rely on a cohort of mobilized immigrant fellow trade unionists at the local or sectoral level. Rather, the cross-sectoral immigrant organization, NIF, formed his mobilizing community. In terms of alliances, while Sylvester enjoyed the support of his supervisor, the general secretary of 3F, he struggled to build alliances among the Danish rank and file of his union. Given the presence of work colleagues unwilling to organize themselves at the local level and the presence of few native allies, Sylvester has struggled to convince native trade union leadership of discrimination's importance, and to pressure union leaders to set up policies addressing discrimination and implement them.<sup>17</sup>

One of Sylvester's achievements as a member of NIF and with the support of his former supervisor at 3F was the inclusion of "discrimination" rather than "different treatment" as an issue area of concern mentioned in an LO policy paper on immigrant and minority union members. Yet, in other efforts to advance anti-discrimination policy in the union, Sylvester described the resistance he encountered from his colleagues in the equalities department about extending union policy and practices on gender equality to immigrants and minorities:

"So people are now looking at pay disparities between Danish men and women, 18 percent, and it is because women are choosing low-

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<sup>16</sup> Interview with Mariah Grohndahl in March 2011 in Copenhagen, Denmark.

<sup>17</sup> Interview with Anthony Sylvester in June 2009 in Copenhagen, Denmark.

paying fields, not the same work, but they are in different sectors, or somehow traditionally majority women fields are low paid. But ethnic minorities get 27 percent less than the average Dane. But that is not seen as a problem. Somehow when it comes to gender, a problem with equality is recognized.”<sup>18</sup>

Time off for bereavement and wearing the headscarf at work are other issues that Sylvester struggled to gain support for from native colleagues. Although all employees covered by the 3F collective agreement are entitled to up to two days leave for funerals, many immigrants and minorities with family members abroad need more time for overseas travel. In its current state, the collectively bargained leave policy has a disparate impact on immigrant members. Sylvester has proposed an amendment to the collective bargaining agreement to 3F negotiators that would eliminate the disparate impact for immigrant members, however employers vetoed the request. The amendment would have extended approved leave for funerals from 2 days to 7 days but it would have included a loss of vacation days or a pay cut for anyone who wanted to take the full 7 days. Employers opposed this revision in time off for bereavement with the argument that it would be too costly for factories with majority immigrant workforces where multiple people could be away from work at one time.<sup>19</sup> Wearing religious dress such as headscarves is also an issue for immigrant members at work. Sylvester proposed to get an amendment to the collective agreement that allows for the wearing of a headscarf as long as it is not a danger to health and safety regulations. However, he was not successful with that amendment. Sylvester pointed out that because it is not specified in the collective agreement, immigrant workers can be fired for extending leave due to a funeral or wearing a headscarf to work. These issues are at the discretion of the employer.

While immigrant activists at 3F seek to get their Danish colleagues to acknowledge discrimination, they also seek to set up policies and procedures to address discrimination as well. Sylvester pointed out that 3F lacked a procedure with which to effectively deal with discrimination at work, and that immigrant workers could not turn to their union for support:

“Do you know what happens if someone complains of discrimination? Nothing, the shop steward does not know what to do. The shop steward’s job is to talk them out of feeling wronged...there should be a form to be filled out. The model is the process for the health and safety commission. If you get a small cut, you have to fill out a form. No one says, get over it. It should be that way with discrimination. Every department will know that they cannot reject the case, or deal with it by themselves.”<sup>20</sup>

Although he is an integration consultant in the equalities department of 3F together with consultants specializing in workplace disadvantage faced by other social groups such as women and youth, Sylvester personally confronted hate

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<sup>18</sup> Interview with Anthony Sylvester in June 2009 in Copenhagen, Denmark.

<sup>19</sup> Interview with Anthony Sylvester in June 2009 in Copenhagen, Denmark.

<sup>20</sup> Interview with Anthony Sylvester in June 2009 in Copenhagen, Denmark.

speech at work. As an illustration of the discriminatory work climate, he described a professional situation where he was introduced with a racial slur:

“How about the Danish working place sense of humor? Did you know that I have been introduced as ‘our nigger’ or monkey? I asked my Canadian union colleagues, what do you do when someone calls you a monkey at work? They were shocked.”<sup>21</sup>

In 2013, Sylvester succeeded in convincing native colleagues in the union to collaborate on the content for a pamphlet with suggestions for shop stewards about how to foster an inclusive environment that addressed the need for “inclusive humor” and respectful language among co-workers of diverse backgrounds (FIU Equality 2013: 36-38). In this way, Sylvester achieved some acknowledgement from 3F of discrimination as an issue of concern for immigrant members. However, given that he was not neither connected to a mobilized group of immigrants at his union, 3F, nor able to build alliances between mobilized immigrants and native trade unionists, anti-discriminatory policy has not yet been set-up or implemented at 3F.

#### *Comparing Pro-immigrant action across Danish unions (DSR, FOA and 3F)*

Immigrant union members of the Danish Nurses Association (DSR) exercised agency by forming an autonomous organization, the Diversity Network. By mobilizing through the Diversity Network, immigrant trade unionists signaled to their union that they formed a distinct group unified by their experience of discrimination as nurses. Immigrants in the Diversity Network explained their shared experience of unequal treatment on the job as caused by their lack of Danish or Scandinavian ethnic origin and “brown” skin color. Although immigrant activists were self conscious in their choice of their organization’s name as the “Diversity Network,” as a way of challenging discourse in the union and in broader Danish society about immigrants’ presence as a problem to be overcome through assimilation and erasure of immigrants’ distinct cultures, it also reflected an attempt to adopt framing that would resonate within the Danish identity template. Starting in the early 2000s, Danish employers and unions had already incorporated the term diversity as part of new human resources practices of “diversity management” (Wrench 2004: 22-24; Kamp and Hagedorn Rasmussen 2004; Green et al. 2005).

Building alliances with native trade unionists proved difficult for immigrant activists in the Diversity Network. On the one hand non-voting native Danes were also members of the Diversity Network and lent their support to efforts such as the survey on Danish hospitals’ response to requests for white-only elder care and nursing homes (Kjægaard 2005c). However, the dominant response native Danish trade unionists had to immigrant activists’ claims that they faced discrimination at the job was one in which immigrants’ claims were rejected. Native trade union representatives did not address immigrants’ concerns, or refused to consider their claims as cases of discrimination. Native trade unionists admitted that problems faced by immigrants are viewed as burdensome because they are distinct from those faced by native Danes who make up the majority of members. Because of the negative response immigrant union members received from native co-workers,

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<sup>21</sup> Interview with Anthony Sylvester in June 2009 in Copenhagen, Denmark.

immigrant trade unionists had to seek aid from NGOs external to their union such as the DRC. In summary, immigrant activists struggled to build alliances with native trade unionists around the issue of discrimination, because they had difficulties convincing native co-workers and trade union officials to acknowledge discrimination as a problem.

In terms of policy set-up and implementation, immigrant union members did not succeed in gaining anti-discrimination policy and subsequent enforcement from the union leadership at DSR. As of 2009 immigrant activists were able to pressure DSR further towards acknowledgement of discrimination. DSR has issued statements about their commitment to a workplace free of discrimination (Nursing Ethics Council 2012), convened a working group on discrimination, provided pamphlets for shop stewards on how to identify discrimination and setup a hotline for discrimination complaints.<sup>22</sup> However, the thrust of DSR's efforts centers on determining the extent to which discrimination exists among its members. DSR has not yet established anti-discrimination policy including sanctions for discrimination and has not implemented anti-discrimination policy.

Whereas immigrant activists at the nurses union DSR exercised agency and articulated a mobilizing identity through the autonomous organization of a Diversity Network, immigrant trade unionists at several workplaces represented by public sector union FOA remained unorganized and incapable of lodging claims with the union leadership about their experience of discrimination. Despite the absence of immigrant agency, potential native allies did exist at FOA. I highlight FOA as a case in which native trade unionists sought to advocate for anti-discrimination measures at work in the absence of immigrant mobilizing initiative. Although Grohndahl, a head shop steward responsible for 100 elder care workers in her district, recognized the unequal access to training experienced by immigrant members she supervised and the hostile work climate immigrants faced from elderly clients, she was unable to institutionalize practices she developed to combat discrimination in her workplaces.

Discrimination was invisible to Grohndahl's native colleagues. They conceded that Grohndahl had uncovered discriminatory experiences for the immigrant workers she supervised, but they saw no reason to investigate the possibility of its occurrence among the immigrant members they represented in other districts. The secure position of FOA as a recognized union with a prominent presence in most public sector workplaces meant they could afford to ignore advocacy on behalf of a sub group of members who were not themselves making claims on the leadership. As specified in my argument, advocacy on the part of native trade unionists without first mover mobilization by immigrant agents did not elicit widespread acknowledgement of discrimination beyond the local level or the setup and implementation of measures to address discrimination.

In contrast to DSR and FOA, both agency and allies were present in 3F, although in weak forms. In the case of agency, although an integration consultant helped to found an autonomous immigrant organization at the federation level, Network in the Union (NIF), NIF did not have an organized group at the workplace

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<sup>22</sup> Interview with Anthony Sylvester in March 2011 in Copenhagen, Denmark

or sectoral union level. Rather NIF brought together immigrant union activists from across sectors at the federation level. This lack of presence at the local or sectoral level impacted the articulation of a mobilizing identity among immigrant colleagues. There were no NIF members at 3F other than Anthony Sylvester. This lack of a mobilized group at the local or sectoral level impacted the creation of alliances with native trade unionists as this was dependent on the ties of Sylvester as the sole NIF member at 3F. Although Sylvester could jointly pursue the goal of eliciting pro-immigrant action from the 3F leadership on discrimination as a 3F integration consultant as well as a NIF member, he has been limited to date in his ability to secure more than acknowledgement of the problem of discrimination by the union.

With agency weakly expressed at the local level and native-immigrant alliances limited by the absence of immigrant member mobilization, the intervening factors more decisively hem in efforts at achieving pro-immigrant action on discrimination by 3F. The naming of the federation level immigrant organization as a 'network,' constitutes a different accommodation of the Danish identity template than the DSR organization, Diversity Network. Given the absence of any signifier of immigrants' distinct ethnicity, the LO network suggests acceptance of an assimilation approach to immigrant incorporation in the union. In like manner, union strength serves as an effective break on native-immigrant alliances in that, given 3F's presence in the private sector, including manufacturing, native trade unionists are not compelled to consider the interests of subgroups out of the necessity of preserving the influence of the union overall as a social partner.

### ***Germany***

In contrast to their counterparts in Denmark, German trade unionists are more likely to acknowledge that discrimination faced by immigrants on the job is an issue. However, similar to the situation in Denmark, immigrant activists have struggled to convince unions to create policies to address discrimination as well as to implement the few policies that exist. Volker Rossocha, spokesperson for the German Trade Union Federation (DGB) for European and Migration Affairs described discrimination as something that starts "as soon as one submits an application, stereotypes come into play, Turkish name, the neighborhood and so on."<sup>23</sup> Although, native trade union officials such as Rossocha with expertise in migration affairs readily acknowledged that discrimination faced by immigrants on the job is a problem, this view did not extend to native rank-and-file members. Petra Wlecklik, migration consultant at IG Metall headquarters noted that native workers remain undisturbed by disparities immigrants face in numerous workplaces organized by IG Metall, noting that for many, "it is normal that immigrants have the worst jobs."<sup>24</sup> The summation of rank-and-file attitudes expressed by Wlecklik is reflected in a dearth of anti-discrimination policy among the 8 sectoral unions under the aegis of the DGB.

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<sup>23</sup> Interview with Volker Rossocha, DGB in August 2010 in Berlin, Germany.

<sup>24</sup> Panel Event on Discrimination and the Equal Treatment Act (AGG). Berlin, Germany. November 24, 2010.



Although there has been some activity<sup>25</sup> since 2002 around issues of gender discrimination, the Police Union (*Gewerkschaft der Polizei*) has not issued any statements addressing discrimination faced by immigrants except to deny the existence of structural racism among the police as an institution. The Police Union also has not set up anti-discrimination policy. For example, the Police Union affirmed its commitment to equal opportunity for women by hosting a training workshop for equal opportunity consultants in 2009 (GdP 2009) and in the 2010 trade union congress, the union voted to study the impact of new rules governing civil service working conditions on women members in order to prevent discrimination (GdP 2010). The only record of Police Union statements on discrimination against immigrants has been to rebuff charges that it discriminated against immigrants. For example, in 2013, the Police Union denied accusations of structural racism and expressed disapproval of justice reforms stipulating that investigations in crimes against migrants should consider the possibility of hate crimes (GdP 2013).<sup>26</sup> The Police Union also issued a press release rejecting the charge by Amnesty International Germany that the police engage in racial profiling (GdP 2014).

NGG, the Food, Beverages and Catering Trade Union in Germany (*Gewerkschaft Nahrung-Genuss-Gaststaetten*) has not issued any statements addressing discrimination faced by immigrant members or developed anti-discrimination policy.<sup>27</sup> The public sector union, Ver.di<sup>28</sup> has issued a number of statements addressing discrimination faced by immigrants at work since 2001. Three press releases called for Ver.di members to support the transposition of EU anti-discrimination law on December 2, 2003, January 30, 2004, and December 15, 2004, describing it as a law that banned discrimination according to several traits including ethnicity and origin. A statement dated from July 19, 2011 announced Ver.di's first national migration conference for members and listed discrimination as one of the topics. Another release from July 29, 2011 detailed ethnic discrimination against workers at an IKEA contractor in the U.S. On February 22, 2012, Ver.di issued a statement notifying members about a Ver.di memorial for migrant murder victims of the far right group the National Socialist underground (NSU). One statement dated April 16, 2012 publicized a website condemning hate speech started by youth wing of Ver.di. Ver.di issued a press release dated August 9, 2012, describing an anti-discrimination contest it sponsored. A release from

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<sup>25</sup> The GdP has an online archive of press releases and newsletters. Of 132 documents accessed online in January 2015, dating from December 5, 2002 to December 11, 2014 using the keyword search discrimination (Diskriminierung) only two addressed discrimination against immigrants.

<sup>26</sup> GdP issued a response to the NSU scandal in 2012 which uncovered active members of an underground Neo-Nazi terrorist group responsible for racist hate crimes including murders, among members of the German police force in Thuringia.

<sup>27</sup> The NGG has an online archive of press releases. Of 5 documents accessed online in January 2015, dating from 2014 using the keyword search discrimination (Diskriminierung) none addressed discrimination against immigrants.

<sup>28</sup> Ver.di has an online archive of press releases. Of 99 documents accessed online in January 2015, dating from May 3, 2001 using the keyword search discrimination (Diskriminierung), 12 addressed discrimination against immigrants.

October 9, 2012 summarized Verdi's most recent activity on autonomous groups including immigrants—and included no mention of anti-discrimination policy (Ver.di 2012). In statements dated June 6 and June 7 2013, Verdi expressed support for a law that would address discriminatory working conditions faced by migrant domestic workers. Lastly, on October 17, 2013, Ver.di expressed support for new immigration law at the EU level to deal with the human rights crisis of increased Mediterranean crossings by African and Middle Eastern immigrants. In sum, although communication activity by Ver.di suggests greater awareness of discrimination as an important issue for immigrant members, the fact that none of the statements referenced anti-discrimination policy for Ver.di's organized workplaces belies the absence of policy set-up and implementation of anti-discrimination policy.

Between 2010 and 2014, the Rail and Transport Union (Eisenbahn und Verkehrsgewerkschaft) issued 25 statements addressing discrimination and 12 of them addressed discrimination faced by immigrants. The statements ranged from a press release acknowledging Human Rights Day as designated by Amnesty International (EVG 2013), to coverage of various seminars addressing discrimination (EVG 2010), to volunteer activities by EVG apprentices cleaning up far-right graffiti (EVG 2014). However, none of the coverage mentioned anti-discrimination policies developed by the union to address discrimination faced by immigrants at work.

Despite the dearth of anti-discrimination policy independently developed by German trade unions, both the EU racial equality directive, and the Works Constitution Act provide a legal framework for the implementation of anti-discrimination policy at workplaces. Indeed, a small minority of German workplaces has taken the additional step of signing collective agreements specifying an anti-discrimination policy. Still, among those few workplaces with anti-discrimination policy specified in a workplace agreement, antidiscrimination policy is rarely enforced (Akin et al. 2007).

### *Anti-Discrimination Law and Policy in Germany*

The Allgemeine Gleichbehandlungsgesetz (The Equal Treatment Act) came into force in 2006 and bans discrimination against people on the basis of “race, ethnic background, gender religion, world-view, disability, age and sexual orientation” (Givens and Case 2014: 113). Although Germany lacked the presence of a radical right party in the national parliament, party opposition from center left and center right parties slowed the transposition of the EU Racial Equality Directive. Weak party support for the directive combined with mobilized party opponents resulted in a delay in the adoption of legal standards until 2006, three years after the deadline and after sanctions from the European Court of Justice had taken effect (Givens and Case 2014: 108). As in Denmark, opponents also viewed the protections against discrimination as unnecessary given existing laws in Germany and due the absence of discrimination there. Prominent figures in the Social Democratic Party also expressed disapproval of the EU anti-discrimination law such as the Minister of Justice Brigitte Zypries who underscored the need for private actors to at times “make distinctions and treat [people] unequally.” The then current chancellor,

Gerhard Schroeder also voiced opposition to the antidiscrimination law as potentially a “bureaucratic monster” (Givens and Case 2014:110). In addition to politicians and employers, churches and legal experts also opposed the adoption of the EU directive on racial equality. Churches wanted to maintain their ability to discriminate in favor of members of the faith in employment decisions and school entry criteria. Legal experts viewed the EU directive as creating space for the unwelcome participation of interest groups in legal interpretations of the German civil code (Givens and Case 2014:111).

Although parties of the center left and right opposed the adoption of EU antidiscrimination law, some civil society groups supported the law including trade unions, the Green party, anti-racism and pro-immigrant NGOs. For example organizations based in Germany that were members of the European Network Against Racism (ENAR) publicized research on the incidence of discrimination against immigrants in Germany during the early 2000s before legislative transposition. PRO-ASYL publicly rejected initial legislative attempts by the red-green coalition to draft an anti-discrimination law as too weak (Givens and Case 2014: 113).

One of the reasons it was so hard to build support for the transposition of EU legislation against racial discrimination was due to difficult legacy of the term race in German language and history. Racism is something one opposed, however racial identity lacks positive connotations that exist in Anglo context. NGOs such as the Netz gegen Rassismus (Network against Racism) in favor of anti-discrimination policy in Germany, went as far as to push for the removal of “race” as a term that appears transposition legislation for the EU directive and substitute “nationality” as grounds for sanctions (Givens and Case 2014:112).

#### *Firm Level Agreements and Anti-Discrimination Policy*

In addition to the Equal Protection Act (AGG), the legal-regulatory framework for anti-discrimination policy in German workplaces includes the Works Constitution Act (*Betriebsverfassungsgesetz*) as well as individual workplace and company-level agreements. In 2001, the reforms to the WCA included new provisions for integration and a mandate to combat racism and xenophobia (Akin et al 2004: 77). The Works Constitution Act (WCA) sets up a process available to for victims of discrimination. The first point of contact for the victim is either the employer or the works council. Assuming the works council and employer favorably conclude that an employee has been discriminated against, the works council can develop a plan for redress. Should the employer disagree with the works council’s evaluation that an employee has been discriminated against, the works council can then refer the case to an arbitration committee (*Einigungsstelle*) for a final decision (Akin et al 2004: 71). The WCA also empowers works councilors to issue reports on the social climate at a workplace that break down the distribution of new hires and training apprentices according to origin. When it comes to sanctions, section 104 of the WCA specifies that employees who do not treat co-workers equally and in so doing “disturb the social peace of the workplace’ can be “transferred or fired” (Akin et al. 2004: 68, 72). Before proceedings against the employee who has discriminated

against a co-worker can begin, the employee has to have undertaken the discriminatory acts at least two times (Akin et al. 2004: 73).

Shortly after German reunification and in response to xenophobic violence against immigrants, several German workplaces issued agreements (Betriebsvereinbarung) committing employers, employees and works councils to a work climate free of discrimination (Akin et al. 2004: 76).<sup>29</sup> These agreements specified actions and processes works councilors, employees and managers could take regarding discrimination beyond the framework offered by the WCA. For example, a workplace agreement in force at an engineering firm lists the different types of sanctions from the works council an employee faces if he or she discriminates against a co-worker including “mandated therapy, a verbal warning, a written warning, a fine, transfer or dismissal”(Akin et al 2004: 32). Similarly, a workplace agreement at a manufacturing firm states, “the company has the duty to provide redress for individuals who have experienced the harm of discrimination” (Akin et al. 2004: 31). One transportation authority pledged to “confront racism, xenophobia, and antidemocratic as well as neo Nazi tendencies at the firm” (Akin et al 2004: 13). An agreement at a public agency included provisions for the personnel council “to constructively manage conflict and prevent...individual bullying, sexual harassment as well as discrimination by origin, skin color, faith world view, political and union engagement” (Akin et al 2004: 16).

Works councils (*Betriebsrat*) and their public sector counterparts, personnel councils (*Personalrat*), also have the right to investigate applicants’ files in order to determine if discrimination occurred during the hiring process. Should works councils uncover hiring guidelines or patterns of evaluation with discriminatory effects, works councils may also set their own hiring standards for use by the firm (Akin et al. 2004: 73-74). Co-determination rights extend to matters affecting foreign employees such as access to holiday leave, in particular accommodating foreigners for returns to their country of origin is a relevant competency of the works council according to section 87 of the works Constitution Act (Akin et al 2004: 71).

### *Trade Unions, Employers and Anti-discrimination Policy*

Political actors who rejected the EU anti-discrimination legislation, the Racial Equality Directive, included employers who described it as a violation of German civil code provisions for the private autonomy of business and as “a drag on the economy.” Dieter Hundt, president of the Confederation of German Employers’ Associations (Bundesvereinigung der Deutschen Arbeitgeberverbände) described the directive as something created by “unrealistic, missionary and ideological bureaucrats” that could only function as “dynamite for the German economic order”(Givens and Case 2014: 111). Despite the support offered by some native

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<sup>29</sup> See Akin, Semiha, Michaela Daelken and Leo Monz. 2004. *Workplace and Company Agreements: Integrating Co-workers of Foreign Origin, Analysis and Recommended Practice (Betriebs- und Dienstvereinbarungen: Integration von Beschäftigten auslaendischer Herkunft)* Bund-Verlag GmbH: Frankfurt. This summary report profiles nearly thirty agreements addressing discrimination, most of which were workplace specific not firm specific over two decades spanning the 1990s to the 2000s.

trade unionists of the Equal Protection Act (AGG) rank and file union members and works councilors have been reluctant to enforce it. Petra Wlecklik IG Metall noted:

“There are few firms where anti-discrimination work is being done. One example comes to mind, Ford, because they are an American firm, they have diversity processes that were instituted by management but the works council was actually opposed to it...It is a huge difficulty to implement the AGG in workplaces. The law exists in name only. They do everything possible so that they don't have to do a thing when it comes to a case of discrimination. These issues are not welcomed—discrimination. Structural discrimination simply is not spoken of.”<sup>30</sup>

A reluctance to enforce anti-discrimination policy extends also to the small minority of firms that signed workplace agreements addressing discrimination as well. Safer Çinar, immigrant activists and former board member from the teachers union GEW noted: “In [some] workplaces, you have workplace agreements in the drawers, generally speaking [they] did some programs, a few people participated...unions prefer to look the other way rather than take a stand...the problem is that it is really difficult [for unions] to get the manager to fire someone.” Instead, when immigrant activists such as Çinar pressure native trade unionists to address discrimination claims, native trade unionists counter that there are real concerns about losing members.<sup>31</sup>

#### *Limited Acknowledgement of Discrimination in German Trade Unions*

The acknowledgement of workplace discrimination occurs to a limited extent within German trade unions. For many trade unionists, the presence of fascists or Neo-Nazis at work and their contribution to a hostile work environment constitutes the primary occurrence of discrimination. This means that discrimination is understood to exist only to the extent to which it can be linked to an employee or manager's professed fascist views and distribution of fascist literature. On the other hand, problems immigrants face in hiring, promotion and job retention independent of qualifications, are rarely recognized as types of discrimination or addressed.

For example, Birgit Pitsch, the National Women's and Equal Opportunity Consultant for the Food, Beverages and Catering Trade Union in Germany (NGG) described discrimination as a broad issue of concern to the union because it affects women and the disabled in addition to immigrants. In one example, conflict between German workers and immigrant workers when immigrants socialized in languages that were not German, resulted in discriminatory treatment of immigrant workers. While Pitsch stated that discrimination was something the union cared about, she pointed out that the NGG does not know the extent to which it is a problem. Furthermore, in her experience, it has been mainly companies from English-speaking countries that have required anti-discrimination policy at work. Unions

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<sup>30</sup> Panel Event on Discrimination and the AGG. Berlin, Germany. November 24, 2010

<sup>31</sup> Panel Event on Discrimination and the AGG. Berlin, Germany. November 24, 2010

such as NGG are fine with anti-discrimination policy as long as it is setup within the context of a works council agreement.<sup>32</sup>

### *Limited Agency and Alliances Result in Failed Implementation of Anti-discrimination Policy*

Although Daimler Benz is one of a minority of firms with a company agreement addressing discrimination in the firm, immigrant activists have been unable to find native allies among trade unionists at the company level willing to implement the agreement. Ferda Soenmez, a works councilor at a Daimler Benz plant in Berlin, Germany described a highly competitive job market for entry-level jobs in auto parts manufacturing that is particularly difficult for migrants to break into even when they have completed vocational training:

“we spoke about the ability of migrants to get jobs, if they have an apprenticeship. This means that we have the problem that people here, generally, now not only...migrants, but also natives—who are engineers also take normal production jobs because they don’t have jobs, they have to earn money. That means they take up slots. That is one thing, let me say, the market is such that if we had a 100 job openings here, then 1000 to 5000 people would apply for them...What happens there, migrants aren’t picked.”<sup>33</sup>

Not only do migrants struggle to move from apprentice to entry-level jobs, those at entry-level jobs struggle to advance to the higher skilled position of *Meister*. Soenmez relayed his knowledge of several immigrant colleagues who had completed the formal qualifications for *Meister* status and received high scores, yet who failed to advance, counting 3 Turkish migrants out of 150 *Meister* at the factory although he estimated around 20-30 percent of the workforce had a migration background. He attributed it to immigrants’ lack of networks, advocates and the soft skills dictating when and how to promote one’s formal qualifications vis a vis one’s desire to cooperate and promote collegiality at work. Soenmez also discussed the resistance he faced from native works councilors and trade unionists when it came to addressing the problems immigrant apprentices face accessing full time jobs. To many of Soenmez’ native colleagues, immigrants’ lower success rates at career progression were at best something that would be addressed by an increase in available jobs and at worst a distraction from the challenges confronting native workers:

“Let’s say, here in the factory, we talk about, the fact that people are going to receive less money and then, what we, someone, here could do for the migrants. You can be sure that not a single person will listen to you. Because in the back of their minds people think, ‘What does he want now? Can’t we take care of the people here for once?’ ... And then someone comes along who wants special—and that’s how people see

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<sup>32</sup> Interview with Birgit Pitsch, National Women’s and Equal Opportunity Consultant in December 2010 in Hamburg, Germany.

<sup>33</sup> Interview with Ferda Soenmez, works councilor and IG Metall member at Daimler in July 2011 in Berlin, Germany.

it—special rights for migrants. This is the problem we have in the workplace, in the unions, in politics. Simply, these issues, for different reasons are not addressed often enough and when people talk about it, the majority group always thinks, “What do they want already?” OK?”<sup>34</sup>

Although immigrants face discrimination as an obstacle to professional advancement, evidence from informant Soenmez shows how native German union members are often reluctant to acknowledge the existence of discrimination and consider it a distraction from core union concerns. However, Soenmez views the lack of acknowledgement as a result of the narrow legal definition of discrimination as it exists in German law. Discrimination is understood as the formal restriction of groups from spheres they would otherwise have free access to, on the grounds of race, ethnicity, national origin, gender, faith or sexual orientation. Because there is no formal bar to migrant apprentices or migrant factory workers from applying for higher skilled positions, Soenmez’ native coworkers do not perceive a problem although immigrant workers do not advance at the same rates despite possessing the required qualifications.

In order to address immigrant discrimination at work, Soenmez became active in the state-level migration committee of IG-Metall. At the Berlin-Brandenburg migration committee he connected with other immigrant trade unionists and a few native trade unionists interested in removing barriers to immigrant advancement at work such as discrimination. One policy Soenmez thinks would remedy immigrants’ ability to advance professionally is quotas:

“...until 2-3 years ago, I was big opponent of... Quotas. And today, I would say, I believe it is the only solution...For all the disadvantaged people.”<sup>35</sup>

Yet, Soenmez views the likelihood of achieving a policy goal of quotas as relatively unlikely. Since his fellow works councilors and co-workers of native background do not acknowledge discrimination against immigrants at work as priority, few also support quotas as a policy necessary to eliminate discrimination against immigrants. Soenmez referred to an internal union survey in which 10-15 percent of his colleagues expressed support for migrant quotas. According to the same survey, as many as 40 percent of union members support quotas for women.

Soenmez views quotas as a policy that would best address the discrimination immigrants face moving from apprenticeships to full time positions and climbing up the career level to positions commensurate with their qualifications. However, rather than exercise agency in terms of mobilizing with fellow immigrant colleagues at the plant to push for quotas, Soenmez, turned instead to a migration committee at the regional office of IG Metall in order to build intra-ethnic support for anti-discrimination policies. In addition to failing to find other immigrant co-workers at the plant interested in campaigning for anti-discrimination policy, as detailed above

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<sup>34</sup> Interview with Ferda Soenmez, works councilor and IG Metall member at Daimler in July 2011 in Berlin, Germany.

<sup>35</sup> Interview with Ferda Soenmez, works councilor and IG Metall member at Daimler in July 2011 in Berlin, Germany.

he also failed to find native colleagues willing to acknowledge that discrimination faced by immigrants was a problem worth addressing. However, just as Soenmez turned to the regional migration committee of IG Metall in order to find a mobilizing community of other immigrants, he also found native trade unionists interested in supporting immigrant mobilization.

At the IG metal regional migration committee, Soenmez found native trade unionists who shared immigrant union members' views in assessing trade unions' willingness to acknowledge discrimination against migrants as a problem. However, even in alliance with native trade unionists, immigrant activists faced an uphill battle to convince native trade unionists of the importance of immigrant concerns such as discrimination. Markus Plagmann, member of the IG Metall migration committee for Berlin-Brandenburg characterized the relationship IG Metall had with migrant members as one of neglect, until recent years. In fact, he pointed out that many migrant trade unionists left unions to form independent immigrant organizations due to IG Metall's failure to address problems immigrants faced such as discrimination. Plagmann credited IG Metall's more recent attempts to woo immigrant members to the prominence of the "demographic crisis" in which IG Metall is losing members as pensioners are not replaced by enough new younger members:

"Before that, little work, had to do with the migrant organizations, because they felt like...for a long time, not represented any more by the unions, something I can understand...and [they] founded their own interest representation and had their own pride there...let's take for example the Turkish Federation Berlin-Brandenburg, the people on the board—almost all of them were trade unionists, ok?"<sup>36</sup>

Plagmann characterized IG Metall's shift away from neglect of migrant members as one that included a broader understanding of discrimination beyond formal bars to one that defined "everyday discrimination" and indirect discrimination as barriers faced by immigrants. As a sign of the change in IG Metall's approach, Plagmann pointed out that the member magazine *Metall* regularly addresses discrimination. Also, IG Metall co-sponsors events with immigrant organizations founded by former trade unionists and provides financial and organizational support to several active IG Metall migration committees at the local and regional levels. IG Metall also sponsors conferences and workshops that maintain substantive ties between active immigrant trade unionists and former immigrant trade unionists. Still Plagmann admitted that these efforts were viewed with some skepticism by immigrant activists both inside and outside the trade union movement as a "fig leaf," rather than a deep-seated commitment to immigrant concerns such as discrimination.<sup>37</sup>

Native trade unionists such as Plagmann attributed broader unwillingness among native trade unionists at IG Metall to acknowledge discrimination faced by immigrant members at work to the fear that acknowledgement would alienate

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<sup>36</sup> Interview with Markus Plagmann, IG Metall in June 2011 in Berlin, Germany.

<sup>37</sup> Interview with Markus Plagmann, IG Metall in June 2011 in Berlin, Germany.



conservative right wing trade unionists. Indeed, Plagmann credited this fear as the reason that IG Metall has not prioritized immigrant member concerns more broadly:

“actually everyone has to come via a third state when they travel to Germany, that is why we pretty much don’t have a right to asylum anymore. There we said, let’s keep our mouth shut or else we will anger the conservatives in the union, so lets take dual citizenship, there we said, let’s keep our mouth shut or else we will anger the conservatives in the union.”<sup>38</sup>

*Limited Agency and Alliances and Lack of Anti-Discrimination Policy at Plant-Level*

German-trained engineer at Global Logistics<sup>39</sup> of immigrant background John Benjamin<sup>40</sup> has not been able to find work utilizing his qualifications. While he hesitates to attribute his poor career advancement outcomes to his experience of racial discrimination, explicit statements by the employer in each of his job application processes suggested that discrimination played a role in his inability to find a new job. In one situation, he contacted an employer about an open position, received positive encouragement about his fit for the position based on his qualifications, and was invited immediately for an interview. However, when he met company representatives face to face, company representatives cut the interview short expressing surprise and disappointment that he was a foreigner and told him that for that reason they could not find a position for him there (Benjamin 2011: 2).

In another situation, when my informant applied for a new job one that required educational credentials, several years of on-the-job experience as an engineer as well as multilingual skills, he successfully advanced to the interview stages. However, he never heard from the company despite repeated attempts to contact staff members with whom he interviewed. Finally, when his current boss called the company on his behalf, his boss confirmed that they were not pursuing Benjamin as a candidate to fill the position because “they were afraid that the customer would have problems with my skin color.”<sup>41</sup> Benjamin had a number of experiences in which his qualifications and interpersonal interaction over the phone moved him swiftly to the top of application piles, however when he arrived for the in-person interview, some individuals empowered to make the hiring decision had an issue with his skin color or immigrant background or both.

Benjamin’s difficulties transferring to a position commensurate with his training at external firms and at external locations of the same firm mirror the experiences of his immigrant co-workers. Benjamin pointed out that once he became a shop steward for IG Metall, immigrant colleagues approached him about their concerns with professional advancement:

“2 years ago IG Metall colleagues came to me and asked don’t you want to become a shop steward?...And then I began to really get involved, to really read about what IG Metall did...and last year, since I

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<sup>38</sup> Interview with Markus Plagmann, IG Metall in June 2011 in Berlin, Germany.

<sup>39</sup> Global Logistics is a pseudonym for a metal manufacturing firm in Germany.

<sup>40</sup> John Benjamin is a pseudonym for an IG Metall informant of immigrant background.

<sup>41</sup> Interview with John Benjamin, IG Metall shop steward in May 2011 in Berlin, Germany.

heard from many colleagues, who are foreigners...at our company, from Turkey, from Yugoslavia and so on, I know that we have some, I know that some are discontent because they sense, I'm saying this very carefully, they sense that they are not being supported because they are not German, I thought hey, you have to look into that because they are all members of IG Metall" (Benjamin 2011: 8-9).

As a function of his supervisory position at his current firm, Benjamin noted that he has access to personnel records and commented that his colleagues with foreign backgrounds have legitimate concerns about their ability to gain promotion within the company:

"It is just weird that in a company with, now we are 750 people and there are some foreigners who were professionally trained at the company and work there and none of them is a group leader, none! That is weird. Some used be and they were taken out and replaced with a German, where no one said that [it was because] of low qualifications. Yes...no one gave a reason. Yes. That means if they had at least said, you are poorly qualified, that would be a reason, but they didn't say that. That's why it is weird" (Benjamin 2011: 9).

Benjamin also described incidents of racial intimidation including racist jokes some of which were directed to him personally and others that he witnessed directed to colleagues with an immigrant background. For example, while he described being able to tolerate jokes about black people in conversation with colleagues, he drew the line at jokes that were made in more public settings. In fact he almost got in a physical altercation with a colleague who made fun of blacks in the cafeteria:

"many colleagues tell jokes about blacks. That is not so bad. Sometimes I laugh with them, when you are sitting down eating breakfast, sometimes I laugh with them but it was so, you can imagine it, a hall as big as a train station, 4 or 5 balconies had to be there and I was working and 2 colleagues who sat somewhere in the hall far away and yelled so loudly, one of those jokes, a bad joke about blacks so that everyone in the hall could hear...But the boss came to me and said, 'Yes,--[informant's name]—you don't have to beat people up, if there is an issue, come to me...say what is going on and we will fix it' and since then I haven't done anything first" (Benjamin 2011: 10).

In another situation, a colleague bullied co-workers of Turkish background and referred to them using slurs. Benjamin intervened to stop the bullying:

"a colleague insulted Turkish people with slurs. And these colleagues were shy, they were two...so I defended them... [he said] that they are stupid because they cannot read...because they are 'Kanaken.' That is a slur for Turkish people. They are Kanaken, can't read, they stink, they are lazy and you know, I know that before people said that we stink and we are lazy... Historically. That is why when I heard it and said, 'No, I can't stand for that" (Benjamin 2011: 13-14).

On the one hand analysis of this interview data with an immigrant IG Metall shop steward, demonstrates that there is some acknowledgement of the issue of discrimination at work faced by immigrant union members due to the presence of

an immigrant shop steward with personal experiences of discrimination. On at least one occasion, he found an ally in a native fellow IG Metall member who supported him in seeking redress for discrimination from the employer. However, the immigrants at this plant have not been able to secure a firm-level policy discrimination or successfully lobbied for a clause in the firm or sectoral level collective agreement which addresses discrimination. Although the immigrants at this workplace have identified their non-German status as the reason they face obstacles to professional advancement, this realization has not resulted in cohesive mobilization at work around specific policy demands for redress. While Benjamin is active in a regional migration committee of IG Metall, and has solicited support from native trade unionists at his workplace and via the migration committee, he hesitates to categorize his experience and that of fellow immigrants as falling under the realm of discrimination due to his acceptance of a narrow definition of discrimination as a formal bar based on ascriptive characteristics.

With some parallels to the case of the Daimler Benz plant, Benjamin and his colleagues at the vehicle plant have not succeeded in securing pro-immigrant action on discrimination from the union leadership of IG-Metall. In both cases, immigrant union activists Soenmez and Benjamin are aware of ongoing discrimination and in the case of Benjamin, have direct experience with discrimination. However, neither Soenmez nor Benjamin exercised agency at work in order to mobilize immigrant co-workers around their shared experience of discrimination. In Soenmez's case, he lacked colleagues willing to mobilize. In the case of Benjamin, although he and his colleagues have ostensibly been treated discriminatorily, Benjamin, drawing on a narrow definition of discrimination as a formal bar, does not view discrimination as the mobilizing impetus for him and his immigrant colleagues at the plant. In each case, Soenmez and Benjamin joined regional level migration committees of IG-Metall in order to find support addressing issues of discrimination immigrants encountered at the plant level.

#### *Agency, Alliances and Limited Acknowledgement of Discrimination*

While some native trade unionists, primarily active in migrant affairs acknowledge discrimination as a problem for immigrant members, many other native activists and rank-and-file members do not. As detailed earlier in this section although all 8 DGB member unions have issued a communications statement mentioning discrimination, at least half of DGB members (EVG, Ver.di, GdP, and NGG) lack a policy addressing discrimination faced by immigrant members on the job. Among the unions with the highest incidence of public communication on discrimination such as Ver.di and GEW, union statements mainly refer to discrimination in the context of international holidays, sponsored events and contests and rarely address the experience of immigrant members on the job. Those public statements that address immigrant experiences on the job are limited to encounters with hate speech by far-right party sympathizers at work. As the rest of this section has shown, union dominated works councils have created anti-discrimination policy in a handful of workplaces, yet have been reluctant to enforce these policies. Lacking both in agency and alliances with native trade unionists at the plant level, immigrant union activists have been able to make limited gains in

the acknowledgement, policy set-up and implementation of pro-immigrant action on discrimination as the examples from Daimler and Global Logistics highlight.

## **UK**

Immigrant activists in British trade unions were able to achieve all three dimensions of anti-discrimination policy as pro-immigrant action. Not only did immigrant and minority trade unionists succeed in getting native trade unionists to acknowledge that discrimination occurs, immigrant activists pressured union leaders to set up anti-discrimination policy and implement anti-discrimination policy for members. Immigrant and minority activists achieved the outcome of anti discrimination policy by following the process laid out by my argument in this dissertation. Immigrant activists mobilized around an identity resonant with Britain's identity template of race relations. Activists then built partnerships with native trade unionists in order to pressure union leadership to deliver on their demands.

The following subsection examines the outcome of anti-discrimination policy in British trade unions. It launches into a discussion of the national context of anti-discrimination law and policy in Britain. Whereas Denmark and Germany are relative newcomers to anti-discrimination law and policy, anti-discrimination law and policy in Britain addressing racial discrimination dates to the mid 1960s. I then examine the specific roles of trade unions and employers in anti-discrimination law and policy. The remainder of the chapter analyses an egregious case of discrimination at Ford Motor Company during the 1990s. The singular case of Parma/Nagra at Ford is illustrative of the process forming my argument about pro-immigrant action. Tracing the process of achieving pro-immigrant action in three dimensions of acknowledgement, set-up and implementation in a singular key case fully uncovers the mechanics of the process. Another benefit of close analysis of this single case is that it also reveals the dynamic and contingent nature of outcome stability. I show how the historical occurrence of policy set-up, acknowledgement and implementation do not themselves rule out the need for repeated mobilizations in order to secure the same dimensions of the outcome in the future.

### *Anti-Discrimination Law and Policy in the UK*

In contrast to Denmark and Germany, anti-discrimination law and policy have an extensive past in the UK. In fact much of British case law already corresponded to the requirements of the EU Racial Equality Directive, 2000/43/EC. The UK has had nearly forty years of anti-discrimination policy dating from the Race Relations Act of 1965, the Race Relations Act of 1976 and subsequent amendments to the Acts in 2000 and 2003. In banning discrimination, the Race Relations Act of 1976 refers to "racial grounds" as important criteria for discrimination that can be sanctioned and specifies "color, race, nationality (including citizenship), and ethnic and national origins." The Race Relations Act of 1976 also includes language about "direct and indirect discrimination"(Givens and Case 2014: 98).

Politicians, legal scholars and civil society actors were engaged in reforming and updating British anti-discrimination law and policy during the 1990s in response to the Stephen Lawrence murder and subsequent inquiry into the

circumstances of his death and the trial. Stephen Lawrence was a Caribbean college student murdered by white youth with far right leanings. However an inquiry determined that numerous failures in police conduct and court proceedings constituted evidence of “institutional racism” as a central dynamic in the case. As a result, many government agencies and civil society organizations including trade unions sought to reform anti-discrimination policy (Givens and Case 2014: 103).

The 2000 amendment to the Race Relations Act expanded its reach to include application to all state agencies and clarified ambiguity about employer’s role in demonstrating that discrimination did not happen when facing suit of alleged discrimination by an employee. The Race Relations acts allowed civil courts in the UK to adjudicate disputes over discrimination. The 1976 Act enabled the founding of the Commission on Race Equality as a body to serve as a source of legal aid for people with discrimination claims and a source of financial support for organizations with the mission of fighting discrimination. The Commission on Race Equality had the mandate to “investigate organizations that it believed were practicing discrimination and issue a binding non-discrimination notice that required an organization to stop discriminating and take action to prevent the discrimination from recurring” (Givens and Case 2014: 98). Although UK law and policy on anti-discrimination preceded the EU race equality directive and fulfilled many of the EU criteria necessary for transposition, there were two areas that the UK sought to reserve from transposition. The first concern for Britain was that 3<sup>rd</sup> country nationals remain outside of full coverage of the race equality directive. The second issue for Britain concerned the definition of indirect discrimination (Givens and Case 2014: 98). In British transposition of the EU race equality directive, amendments to the Race Relations Act included provisions for these two issues.

### *Trade Unions, Employers and Anti-Discrimination Policy*

A number of government forums exist where the TUC and TUC members can participate that address issues of race equality and discrimination, however employers’ role in these forums has been more limited. TUC Race Equality Officer Wilf Sullivan pointed out that in his experience working on anti-discrimination policy, “UK companies haven’t really wanted to talk about race discrimination.”<sup>42</sup> A government agency called the Department of Work and Pensions runs the Ethnic Minority Advisory Group which is tasked with investigating and developing policy recommendations on how best to close the employment gap between white and black workers in Britain. For nearly 40 years, trade union policy on race equality and discrimination has been shaped in dialogue with other actors in civil society and the government. Not only have movements by racial minorities within trade unions to get anti-discrimination policy at work mirrored movements in other spheres of society such as housing, access to social services and education. Developments in other spheres of society have also spurred reforms within trade unions.

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<sup>42</sup> Interview with Wilf Sullivan, TUC in February 2011 in London, UK.

### *Racist Harassment at Ford UK and Anti-Discrimination Policy Implementation as Pro-Immigrant Action by Unions*

Labor unions engage in pro-immigrant action on discrimination when immigrants establish mobilizing identities, then build alliances with native trade unionists in order to pressure union leaders. Acknowledgement that discrimination exists, the set-up of anti-discrimination policy and the implementation of anti-discrimination policy constitute pro-immigrant action by unions on discrimination. In the case of Ford Motor Company UK, the firm had established an equal opportunities policy in the mid 1980s due to mobilization efforts by immigrant and minority trade unionists.<sup>43</sup> However, the focus of the following chapter section is on efforts by immigrant workers during the 1990s to achieve implementation of the anti-discrimination policy.

During the previous decade, several organizing efforts by immigrant and minority workers including, the Mansfield Hosiery demonstrations (1972) and the Imperial Typewriter strikes (1974) transformed subsequent native employer and trade union policy and approaches to discrimination (Sullivan 2012). As a company with US headquarters, anti-discrimination policies at Ford UK also resulted from the Civil Rights movement in the United States. Ford UK's decades old policy highlights "the Company's opposition to any form of less favorable treatment accorded to employees or job applicants on the grounds of race, religious beliefs, creed, color, nationality, ethnic or national origins, sexual orientation, marital/parental status or sex." Furthermore, Ford's policy addressing anti-discrimination affirms that "the Company will actively promote equal opportunities through the application of employment policies which ensure that individuals receive treatment that is fair, equitable and consistent with their relevant aptitudes, potential, skills and abilities." In the event that an employee has an experience to suggest that the firm has acted in opposition to its equal opportunity policy, Ford's policy provides for "grievance procedures" in order to "ensure that any employee making a complaint of unfair discrimination will be protected from victimization."<sup>44</sup>

From denied access to trucking jobs (as detailed in the preceding chapter) to victimization by prejudiced supervisors and trade union shop stewards, Ford UK employees reported a number of incidents during the 1990s, which contradicted the firm's commitment to an equitable workplace free of discrimination as detailed in its equal opportunity policy. An examination of the case of Sukhjot Parmar and Shinder Nagra demonstrates the efficacy of my argument about agency, alliances eliciting the pro-immigrant outcomes of implementation from union leadership.

#### *Agency and Racial Identity*

In September 1999, court proceedings revealed that a plant employee, Sukhjot Parmar, had been subject to racially motivated insults, harassment and physical assault from his colleagues for four years. Parmar immigrated to the UK in

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<sup>43</sup> Ford UK recognized four unions at the plant.

<sup>44</sup> Ford Motor Company (UK) Equal Opportunities Policy. Accessed online February 10, 2015. <http://businesscasestudies.co.uk/ford/the-role-of-an-equal-opportunities-policy/equal-opportunities-policy.html>

1990 after completing his university education in India. As soon as he started working at the plant, mundane requests such as for safety equipment or bathroom access were met with insults to his nationality by his supervisors. Aggressive remarks including racial slurs such as “Paki” escalated to physical intimidation such as pushing and “kicks” and “threats to his life” while he worked in production (Manning and Fraser 1999). Attackers wrote “Klu Klux Klan graffiti” in a place where Parma would see it: “The worst graffiti, on a toilet cubical wall, depicted a Ku Klux Klan sign in the form of a circle with three hooded figures looking into it...[and] the words: ‘Last thing Paki Parmar will see...going to meet nigger (Stephen Lawrence)’ (Clement 1999). His supervisors also threatened co-workers who tried to help him. Supervisors forced him to give gifts with the understanding that the maltreatment would subside. However, it continued to worsen. During the several months he was employed at Ford, he tried to get managers to put a stop to the abuse he was experiencing however his complaints were not believed or not taken seriously. At one point, Parmar did receive a transfer within the production facility, however his new position was with a supervisor “who had been disciplined for delivering racist leaflets” (Antonowicz 1999; Clement 1999; Manning and Fraser 1999).

The first phase of my argument about the conditions for pro-immigrant action by unions involves agency. Agency refers to autonomous action by immigrant workers to explain their grievance. In this way, agents who define their grievance develop a mobilizing identity. For Parma, a mobilizing identity based on race was thrust upon him in that his attackers, fellow union members and managers used internationally recognizable racist symbols with their reference to the American white supremacist group, the Ku Klux Klan. Specific to the British context, his attackers also linked their intent to harm their co-worker Parmar with the figure of Stephen Lawrence,<sup>45</sup> a recent murder victim, whose death had recently been covered in British media as a racist hate crime. Although Parmar emigrated from India, his attackers misidentified him with the country of Pakistan through the slur ‘Paki.’ They subsumed other features of his identity such as his first generation immigrant status, and foreign origin, beneath the racial identity of black. Unsurprisingly, when Parma turned to managers and union representatives for support in gaining redress, he sought redress as a member of racial group experiencing racial discrimination on the job.

#### *Finding Allies on the Ford Shop Floor*

Parmar faced challenging conditions for locating allies among native co-workers at the plant. A number of the attacks on Parmar happened in the presence of many witnesses, effectively amplifying a climate of fear to include potential allies. For example, Parmar described an attack in which his supervisor: “picked me up by the collar and dragged me 100 yards across the plant floor. He accused me of damaging production. The line began stopping and starting—we could all see the

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<sup>45</sup> Stephen Lawrence was a black British college student of Caribbean origin. Numerous sources including the McPherson Inquiry detail the circumstances of his death and the failure of British justice institutions to apprehend the perpetrators. See MacPherson 1999 and Chapter 2 and 3 in this dissertation.

group leader was pressing the button with his leg” (Antonowicz 1999). Indeed, Parmar’s initial efforts to seek allies failed. After this incident of public intimidation, Parmar complained to union and company representatives, but his efforts led to more harsh treatment. His supervisors exposed him to chemicals endangering his health in a confined space: “they put me in a paint-spraying room but refused to give me a mask. It was ‘the punishment cell.’ I started vomiting” (Antonowicz 1999; Baker 2002).

In addition to increased victimization, Parmar also faced suppression and outright rejection from fellow trade unionists and managers as he sought to follow the grievance procedures of Ford’s anti-discrimination policy. In media accounts, he described a number of attempts to get help from shop stewards and convenors at the plant that failed either because the union representatives were afraid of Parmar’s aggressors or they were in collusion with them. One union rep told him he would be promoted if he agreed not to identify the co-workers who abused him to management and another union rep claimed not to believe him and threatened him (Antonowicz 1999).

Despite the obstacles of increased victimization, suppression and rejection Parmar faced when seeking allies, he succeeded in finding aid from fellow trade unionists both among his plant co-workers and outside of the plant. Some of his allies were white British trade unionists, Steve Riley and Rod Finalyson, and an important ally was a fellow co-ethnic and first generation immigrant, Shinder Nagra.<sup>46</sup> Individual shop stewards such as Rod Finalyson and convenors such as Steve Riley participated as witnesses or made public statements to media outlets in Parmar’s defense (Manning and Fraser 1999; Baker 2002). Outside of the plant, Parmar also found support from local trade union officials and national trade union leadership. He found a sympathetic ear within the TGWU union from Steve Turner, a local union official (Antonowicz 1999). Building allies with native trade unionists outside of plant proved to be pivotal as his allies who were co-workers within the plant were also subject to harassment and decisive union intervention only began once Parmar gained the attention of officials outside of the plant (Antonowicz 1999; Baker 2002). Once his case had been heard in court in the Fall of 1999, Parmar also received support from several hundred of his co-workers of diverse backgrounds at the plant when they walked off the job in an unofficial one-day strike in order to pressure management to resolve the issues of racial discrimination at the plant. (Antonowicz 1999; Clement 1999).

Primarily, the support Parmar needed to take on Ford management legally came from elites in the union leadership such as Bill Morris, the general secretary of the TGWU and Sir Ken Jackson, a top official at the AEEU engineering union. Both of these officials put pressure on the firm leadership to change the hostile work climate at the factory. While Jackson noted that the firm had made some attempts to

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<sup>46</sup> Shinder Nagra immigrated to the UK from India in 1975 and began employment at Ford in the late 1980s. His difficulties with racially hostile supervisors began when he accepted a transfer to the department where Parmar worked Both Nagra and Parmar served as plaintiffs in the court case against Ford as Nagra suffered from abuse as well due to his willingness to aid Parmar. See Antonowicz 2002a and Antonowicz 2002b.



improve, he stressed, “there are still clear examples of outrageous abuse which Ford has signally failed to deal with.” Morris went further and publicly urged Ford’s global CEO to address “institutional racism” (Gow 1999; Clement 1999).

Parmar’s ability to build alliances to help him obtain redress for racial discrimination benefited from the existence of unique potential allies, particularly in the figure of Bill Morris. As discussed in the previous chapter, Morris was unique in that he was the first black British secretary of a British trade union, who had personally experienced discrimination and had a leadership agenda that included a commitment to establishing and enforcing anti-discrimination policies in British workplaces. However, it is important to note that my argument does not hinge on the presence of co-ethnics among allies as necessary for eliciting pro-immigrant action by union leaders. Parmar relied on the aid of white British trade unionists within the plant, and they were pivotal in relaying the circumstances of his case to native trade unionists at the local level outside of the plant until it reached the attention of union leadership.<sup>47</sup>

*Achieving Implementation of Anti-Discrimination Policy— Monetary Settlement for victims, Supervisors Fired, Workplace Climate, HR Reforms*

TGWU and AEEU union leaders, Bill Morris and provided resources for a legal defense and media campaign needed to pressure Ford UK management to rectify problems of racial discrimination at the plant and effectively implement the company’s existing anti-discrimination policy. In September 1999, Ford representatives admitted for the first time that there was a problem with racism at the plant and acknowledged it was legally at fault for Parmar’s hostile work environment and took the step of “dismissing...one foreman...and a supervisor” (Antonowicz 1999; Clement 1999). Parma and his colleague Nagra received 500,000 pounds as monetary settlement from Ford UK after the court hearing in 1999. The company also sanctioned two of the employees who abused Parma and Nagra (Antonowicz 2002b).

In addition, as Parma’s experience of racist abuse occurred not only at the hands of management but due to the collusion of trade union representatives at the plant with management to inflict discriminatory abuse, company level reforms negotiated by union leaders with Ford management involved sanctions and operational changes for trade unionists as well as managers. Reforms for union-management partnership at the Ford plant were needed because rank and file members and lower level supervisors continued to contradict the statements and actions of union leadership and Ford management in implementation of anti-discrimination policy. For example, lower level spokespersons and managers stated in response to the October 1999 strike that they were “unaware of the reason for the action,” and underscored that Ford “practices a policy of ‘zero tolerance’ towards racism” (Gow 1999). Similarly, a shop floor body including those responsible for the abuse of Parmar and Nagra, “the Joint Works Committee—led by Jeremy ‘Harry’ Harrison” expressed their opposition to the TGWU’s aid of Parmar

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<sup>47</sup> Interview with Kamaljeet Jandu, GMB National Race Equalities officer in February 2011 in London, UK.

and Nagra by publicly “calling the TGWU ‘a disgrace’ and accused it of presenting distorted facts and fabricated events”(Foggo 1999).

### **Pro-Immigrant Action as Anti-Discrimination Policy in Comparison**

Pursing anti-discrimination policy from union leaders has been a challenging undertaking for immigrant activists in British, German and Danish trade unions, however immigrant activists in Danish trade unions have been the least successful in their efforts at anti-discrimination policy as pro-immigrant action. For the dimension of *acknowledgement*, this chapter presented evidence of widespread reluctance among native trade unionists in Denmark to accept that discrimination exists and is a problem for immigrant members. Even in circumstances in which immigrant activists have mobilized themselves and framed their concerns about discrimination while linking themselves to the Danish identity template, immigrant activists lacked native allies as partners. This describes the case of immigrant activists within the Danish Nurses Union (DSR). While I discussed other cases in which immigrant activists in the public sector union, FOA and the industrial union, 3F made some headway in convincing native colleagues of the existence of discrimination, these colleagues’ acknowledgement had circumscribed understandings of discrimination as pertaining to specific unique situations and remained unconvinced of discrimination’s relevance as a broader issue for trade unions.

Native trade unionists in Germany at multiple unions reflected a greater willingness to acknowledge the problem of discrimination. My examination of official union policy statements and expert interviews suggest that most native trade unionists understood discrimination particularly as practiced by members who expressed far right views, as a problem for immigrant members as well as for trade unions more broadly. When immigrant activists sought acknowledgement of discrimination as an explanation for disparities in access to promotion and vocational training, immigrants found that while their colleagues acknowledged this aspect of discrimination, some did not view it as a problem that immigrants faced obstacles to professional advancement unrelated to their qualifications.

Immigrant activists in the UK mobilized in a context in which past mobilizations had placed discrimination on the official agenda of British trade unions mainly as function of equalities bodies and black workers’ structures present across the union landscape. Native trade unionists readily acknowledged discrimination as a problem in its broadest meaning rather than primarily as an reprehensible actions taken by individuals with far right views.

With differences in *acknowledgement* by country across the unions, immigrant activists faced difficulties compounded by the national setting in achieving the set-up of anti-discrimination policy. Immigrant activists in Danish trade unions despite efforts to mobilize around an identity resonant with the equality template, have not yet succeeded in achieving anti-discrimination policy *adoption or implementation*. Among German trade unions, whereas some firms have concluded firm level agreements with stipulations about penalties for discrimination, immigrant activists bemoan the lack of implementation of those

agreements for discrimination and view native colleagues as reluctant to push for more aggressive measures to address discrimination such as quotas. The close analysis of a British case of discrimination and subsequent mobilization around the identity template of race in order to partner with allies and achieve the implementation of a pre-existing anti-discrimination at Ford Motor company illustrated the process underpinning pro-immigrant action. In a setting in which previous generations of immigrant activists had secured acknowledgement of discrimination and set-up of the policy, contemporary claimants although not immune from discrimination were nonetheless able to access existing resources in order to attain redress and achieve the outcome of pro-immigrant action as anti-discrimination policy across all three dimensions.

## **Chapter 5. Unions in the Neoliberal Economy**

### **The Possibility of Native-Immigrant Partnership and the Erosion of Public Sector Unions**

Native trade unionists must consider the organizational position of their unions as they weigh collaboration with immigrant activists for the purpose of remedying job marginalization. Notwithstanding the differences in union strength between British and German unions that continue to persist at the national level, unions in both countries have been subject to economic and political pressures that have eroded unions' standing and efficacy. Particularly for public sector unions, where declines in state revenues have led politicians to view privatization as a way to meet growing demand for health care services without raising taxes, the union landscape in both countries has converged in many ways. In both countries, workplaces are increasingly the site of multiple unions. The policy tool driving greater fragmentation among unions and job marginalization for workers—privatization—is championed by center left and center right parties. Immigrant union members demand that the leadership of public sector unions bring them into the fold of permanent secure employment just as such favorable working conditions are under siege. Still, immigrant workers remain key to unions' abilities to rein in job marginalization overall.

As later sections of this chapter will show, immigrant workers make up a disproportionate fraction of low wage workers. Immigrant workers' status renders them additionally vulnerable to exploitation by employers as a result of several factors including their legal migration status and the possession of foreign credentials unrecognized in the host country labor market. Although immigrant activists in unions stand a greater chance of attaining the support of union leaders if they mobilize themselves first and then link their struggle to the dominant identity template in the host country, the second step of attaining native partnership must also be met. This chapter will examine how native trade unionists perceive the appeals of immigrant members for partnerships in an era of neoliberal reforms. While successful mobilization by immigrants to remedy job marginalization can be beneficial for unions as a whole, native trade unionists may resent immigrants and view them as the cause for the bifurcation in job quality. The race relations regime in the UK serves as a resource for immigrant mobilization, yet, prejudice and indifference on the part of native trade unionists may stymie collaboration. In Germany, native trade unionists reject race as a viable mobilizing impetus but some remain open to appeals for partnership by immigrant activists rooted in the identity template of constitutional patriotism.

Thus far, this study has examined the far right and discrimination as issues important to immigrant activists in trade unions. Immigrant activists also seek the support of union leaders in resistance to job marginalization or dualization. As I discuss in this chapter and the chapter to follow, dualization refers to the bifurcation of jobs into well-paid permanent work with transparent rules governing conditions and low paid precarious work that lacks rules governing conditions. Although dualization is a phenomenon in the private sector as well as the public

sector, Chapters 5 and 6 focus on the public sector more broadly and public hospitals specifically. Privatization of public hospitals has generated dualization through the contracting out of services. Resistance to dualization as an outcome involves three dimensions—*improved pay and conditions, improved chances at job mobility and reintegration*. Immigrant activists in unions faced with low wage, impermanent work, at minimum, seek to improve the salaries they receive and the rules governing their employment. For the second dimension, immigrant activists in poorly paid, unstable jobs agitate for the chance to move out of the precarious sector entirely. In the third dimension, immigrant activists in unions lobby for a complete transformation of their low wage subsector of the economy in which that subsector is reabsorbed into the public sector.

### **Local Immigrant Diversity in National Context**

Great Western Hospital in Swindon, UK and the Charité Hospital in Berlin, Germany are useful cases for comparing immigrant mobilization against dualization because the two sites share important characteristics. I engaged in purposive sampling of these worksites with protests in localities with non-trivial immigrant populations, as protests are relatively rare events. Although these two localities have immigrant populations of different sizes, the local immigrant populations are diverse, and immigrants at both hospitals make up a majority of contracted out workers. Other shared characteristics are the incidence of immigrant unemployment relative to natives, the fact that each hospital has multiple unions on site and that each hospital serves as average candidates for privatization within each respective national context.

The immigrant populations in both Swindon and Berlin form a diverse group in terms of national origin in both localities. As will be discussed further in Chapter 6, the presence of a large dominant immigrant group—Goans—at Great Western hospital in Swindon fostered a shared mobilizing identity whereas the lack of a dominant immigrant group at Charité hospital in Berlin made it more difficult to establish a group-based identity.

The South West region of England, where Swindon is located, did not receive sizeable immigrant flows until EU enlargement in 2004. At present, the existing immigrant population hails from countries all over the world. By 2010, 40 percent of the immigrant population originated in new EU countries and the second largest group came from Asia and the Middle East. Top countries of origin included Poland, the Philippines, China and India (Migrant Rights Network 2011). The South West was also less racially diverse than other regions in the UK. In 2001, as many as “97 percent of the region population...[identified themselves as] white Irish or white British...[except] Bristol and Bath...at 88 percent” (Migrant Rights Network 2011). Swindon is more diverse than the South West region as a whole in terms of racial and migrant makeup, less diverse than the rest of the country, and significantly less diverse than the most diverse region, London. Swindon’s comparative diversity in the regional and national context is summarized in Table 5.1 (ONS 2011a).

Goans from India, the largest immigrant group working in contracted out positions at Great Western hospital in Swindon, have been living in Swindon at least

since the late 1990s and early 2000s. Goans have been able to live and work in the UK as EU citizens from Portugal due to Goa's special status as a former colony and legal provisions that ease Portuguese citizenship acquisition for people from Goa.<sup>1</sup> In contrast to the rest of India where British control ended in 1947, Portuguese rule of Goa ended in 1961 (This is Wiltshire 2003). Although the Goan population in Swindon arrived recently via their access to Portuguese citizenship, Goans also emigrated to British colonies in East Africa during the early 1900s and from there, joined other South Asians in moving to Britain from East Africa, after independence movements during the 1960s (Carvalho 2010). As will be discussed in Chapter 6, the immigrant population working in non-clinical services at hospital is significantly larger in proportion than the immigrant population in the locality. Immigrants make up more than 50 percent of the contracted out workers at Great Western Hospital.

**Table 5.1: Swindon in UK Context: Percent of Population by Race, Ethnicity, Foreign-Born and Foreigner Status, 2011**

	Swindon (local authority)	South West (region)	England and Wales	London (most diverse region)
White	89.8	92.7	86.8	59.8
Asian	6.4	1.9	7.5	18.4
Mixed	2.1	1.4	2.2	5
Black	1.4	1.0	3.4	13.3
Arab	0.1	0.2	0.4	1.3
Other	0.3	0.2	0.6	2.1
Foreign- Born	13	8	13.4	36.7
Non-UK Passport <sup>2</sup>	26.5	23.5	25.3	28.8

Source: ONS 2011a

While Germany's capital city Berlin is among the most diverse in terms of its' foreigner population, the city is surrounded by the least diverse regions of the country.<sup>3</sup> Brandenburg, the state surrounding Berlin, and the larger region of the former East Germany, have migrant origin and foreign residents of 5 percent or less. This is in contrast with the nation as a whole where the migrant origin population is nearly 1/5 of the total and foreigners make up nearly 1/10 of the total. Table 5.2 summarizes the most recent demographic information on immigrants in Berlin (Amt für Statistik Berlin-Brandenburg 2012; Bundeszentrale für politische Bildung 2011).

<sup>1</sup> See also the oral history resource: "Histories of British Goans Project" accessed online at <http://www.britishgoanproject.com/video-archive/>

<sup>2</sup> The figures of those with a non-UK passport include those with no passport.

<sup>3</sup> Although Berlin and Swindon differ in population size, migrants' presence in the two communities and worksites as well as additional characteristics of the worksites, makes the two cases useful for comparison.

After the end of WWII, different streams of migrants made their way to Berlin. During the 1950s, ethnic German expellees from Central and Eastern Europe arrived. In the 1960s and 1970s, guest workers from the Turkey, Italy, Spain, Portugal and the former Yugoslavia, then later their families, also entered West Berlin. In the late 1980s and 1990s, additional ethnic Germans from the former Soviet Union, as well as refugees and asylum seekers from all over the world also came. Then in 2011, labor migration from the 2004 EU accession countries began in earnest as Germany lifted migration restrictions for new EU countries that year. These different streams are apparent in the top countries of origin for foreign residents of Berlin in 2012: Turkey, Poland, Italy, Serbia, the Russian Federation, Bulgaria and Vietnam (Beauftragte für Integration und Migration 2012). In Chapter 6, I show that the proportion of contracted out workers with a migration background is larger than in the locality. Contracted out workers at the Charité hospital make up about 50 percent of the employees.

**Table 5.2: Berlin in Germany Context: Percent of Population by Migration background and Foreigner Status, 2011**

	Berlin (city state)	East Germany (region without Berlin)	Germany	Bremen (most diverse state by migration background)
Migration Background	24.8	4.7	19.5	28.2
Foreigner	14.0	2.5	9.0	12.6

Source: Amt für Statistik Berlin-Brandenburg 2012; Bundeszentrale für politische Bildung 2011

### **Local Immigrant Unemployment in National Context**

In addition to having diverse immigrant populations, both Swindon and Berlin have local labor markets that are more depressed than their surrounding respective regions. For example, in Swindon, the 2011 unemployment rate of 7.1 percent for all workers was higher than that of the surrounding South West region, which was 6.0 percent (ONS 2012). In Berlin the unemployment rate for German citizens was 13.6 percent and that for foreigners was 32.9 percent, surpassing the joblessness rate in surrounding Brandenburg where the German unemployment rate was 11.7 percent, and the rate for foreigners was 26.1 percent (Amt für Statistik Berlin-Brandenburg 2011). These unemployment figures are summarized in Table 5.3.

**Table 5.3: Unemployment Rates in Locality and Surrounding Region in Percent, 2011**

Locality	Region
Swindon -7.1	South West - 6.1
Berlin (German) -13.6	Brandenburg (German) - 11.7
Berlin (Foreigner) - 32.9	Brandenburg (Foreigner) - 26.1

Source: Amt für Statistik Berlin-Brandenburg 2011

Both regional islands of unemployment are also situated in national<sup>4</sup> contexts where immigrants suffer from higher unemployment relative to natives. Tables 5.3 and 5.5 show that foreigners have more than double the unemployment rate of natives in Germany (Amt für Statistik Berlin-Brandenburg 2011:71). Table 5.4 shows that ethnic minorities in the UK except the Chinese all have higher joblessness rates than whites (ONS 2010). The similarities in immigrants' unemployment situation in Swindon and Berlin suggest that unemployment as a factor should not determine whether immigrants mobilize or not.

**Table 5.4: UK Unemployment by Race and Ethnicity in percent, Q3 of 2010**

White British	7.5
Mixed	13.9
Indian	8.8
Pakistani	17.2
Bangladeshi	19.2
Chinese	6.8
Black African/Caribbean	14.8

Source: ONS 2010

**Table 5.5: Unemployment in Germany by Nationality in percent, 2011**

German	7.2 percent
Foreign	16.9 Percent

Source: Amt für Statistik Berlin-Brandenburg 2011

### **Union Fragmentation and Dualization**

Another characteristic shared by both hospital cases is that multiple unions are present at both workplaces. UNISON, the largest public sector union in the UK had members at Great Western Hospital (GWH) in Swindon as did the GMB, a general union with members across industries and in both public and private sector employment. UNITE, another multi-industry and multi-sector union also has members at GWH. At the Charité hospital in Berlin, three unions organized workers. Ver.di, the largest service sector union and largest union in the public sector in Germany was present. IG BAU, the largest union for cleaners with private employers

<sup>4</sup> Unemployment figures for regions and localities by race, ethnicity and nationality are not available for the UK case.



also had many members and GKL, a small services union with members in the public sector also organized at the Charité.

The fact that union fragmentation—as signified by multi-union workplaces and competition among those unions—is a feature shared by both hospitals in the British and German context is important for several reasons. Union fragmentation shows how acute the pressures of globalization are on institutions with weak and strong capacities. These pressures in turn generate new problems such as attracting immigrant members while maintaining organizational strength. For example, at one of the cases to be explored more fully later in this chapter, Great Western hospital, UNISON faced a conflict between representing the interests of native members in supervisory roles who bullied immigrant members in cleaning.

Scholars have categorized British unions as fragmented due to their lack of a powerful, overarching trade union federation able to negotiate binding multi-industry and multi-sector collective bargaining agreements at the national level. In the immediate post-war period, individual unions in the private sector concluded agreements at the company and industry level. After 1979, employers defected in droves from collective bargaining associations and agreements (Crouch 1993: 244-246, 270-273).<sup>5</sup>

For the public sector, Thatcher downgraded national level collective bargaining for the NHS to framework status, moving many decisions on the implementation of pay and working conditions to the individual hospital level. Privatization was also a strategy for extending fragmentation into public sector unions (Howell 2005: 153-156). In a recent and rare step towards rolling back Thatcher's decentralizing reforms, state-led efforts to unify pay and conditions for all employees of the British National Health Service resulted in a national framework in 2004-2005, the Agenda for Change (National Audit Office 2009; Grimshaw and Carroll 2008: 185-186). While designating salary rates for public employees at every category, this national framework is not binding to private employers contracted by the NHS. Different categories of hospitals, such as Foundation Trusts also have the flexibility to set up their own scales for pay outside the Agenda for Change framework (Grimshaw and Carroll 2008: 173). Also, a provision of the 2011 Health and Social Care Act sets the target for "all health service provider trusts to become Foundation Trusts by 2014" (HM Treasury 2011: 5). This provision increases the scope for the gap in pay and conditions between public and private employees. With the increase in the kinds of contracts available to workers in the NHS due to privatization, the fragmentation of the British private sector has increasingly penetrated the British public hospital sector (Gall 2008).

While collective bargaining between unions and employers in Britain remains fragmented and decentralized, scholars have described German unions as coordinated and centralized due to the leading role played by private sector union IG Metall in concluding pace-setting collective agreements for the rest of the private sector on its own as well as directing the policy and behavior of the German Trade Union Federation (DGB) (Crouch 1993: 20). German unions were also viewed as

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<sup>5</sup> See pages 244-46 for the status of union centralization across Western Europe in 1975 and p270-273 for 1990.

particularly reliable institutions because of the legal protections afforded to employee representation through the 1972 Works Constitution Act and union dominance of firm-based works councils. Important similarities between German public sector and the private sector unions bolstered the characterization of the German collective bargaining institutions as centralized. The union, ÖTV (Öffentliche Dienste, Transporte, Verkehr), played a pace-setting role in the public sector much like that of IG Metall until it was absorbed into the new services sector union Ver.di in 2001 (Jaehrling 2008: 180). As long as the terms and conditions concluded by the public sector unions in national collective bargaining were supported by adequate hospital financing from the state, many private hospitals also adopted the public sector terms. With the tightening of hospital financing in the mid 1990s, public and private employers in this sector have sought exceptions from collective agreements, tried to set up multiple agreements or rejected agreements altogether.

Employer retreat particularly under budget constraints, has transformed the behavior of public sector unions in German workplaces so that they increasingly resemble their British counterparts. As multiple German unions compete with each other, white-collar unions such as the Marburger Bund for doctors have realized they can get a greater share of a shrinking financial pie without solidarity with blue-collar unions (Grimshaw et al. 2007: 600). Occupation-specific unions such as IG BAU or NGG, which conclude their own contracts with employers for specific occupational groups such as cleaners or catering workers, have contested the value of partnering with a multi-sector union such as Ver.di for their organizational survival (Grimshaw et al. 2007: 601). At both Great Western Hospital and the Charité hospital in Berlin, immigrants mobilizing through one union to improve their working conditions faced opposition from a different union with members at their respective workplaces.

Union fragmentation has important implications for how immigrants perceive the durability of a class-based identity. Due to the increased privatization in the public hospital sector, German unions are more likely to operate in competitive multi-union workplaces as British unions have in the past. These new conditions mean that increasingly in the different institutional contexts of the UK and Germany, immigrants face the same challenge of navigating between friends and foes among labor unions. Unions are more opaque to potential immigrant members when they compete. Organizational survival for unions can interfere with their articulation and defense of immigrant member interests. Immigrants have to be instrumental as they approach unions, considering which union will offer support as they try to improve working conditions.

### **Privatization in Public Hospitals**

A final shared characteristic of Great Western Hospital in Swindon, UK and the Charité hospital in Berlin, Germany was that both hospitals were typical candidates for privatization in their respective national and institutional contexts. In

the UK, any public hospital with dated infrastructure or maintenance needs<sup>6</sup> is a candidate for privatization because they are unlikely to be able to access funds for refurbishment in any other way. Until 2005, contracting out facilities management tasks and employees to the private firm was a standard stipulation of all PFI contracts (Grimshaw et al. 2007: 597). Hallowell and Pollock pointed out that for approved and operational projects, “between April 1997 and April 2007, the majority of contracts for new hospital projects –85 out of 110...came through PFI” (Hallowell and Pollock 2007: 8). More recently, Bach and Givan’s 2010 study documented that “virtually all new hospitals have been procured under PFI” (Bach and Givan 2010: 424). Since 2008, Great Western hospital has been managed as a Foundation Trust, where previously it had NHS Trust status only. Public hospital status as a Foundation Trust, NHS Trust or Primary Care Trust denotes different types of supervision from the UK Department of Health. Foundation Trusts have the most independence. As 88 percent of privatized hospitals are either Foundation trusts or NHS Trusts, Great Western hospital shares or has shared supervisory status with the majority of privatized public hospitals (UK National Audit Office 2010: 4).

In Germany, reductions in hospital financing have put pressure on public hospitals to cut costs through privatization of non-clinical services or selling the whole hospital to private firms. Because the cuts have been instituted system-wide, every public hospital faces pressure to privatize, rendering the Charité, as a public hospital, an emblematic case. In addition to public hospitals, private non-profit and private hospitals also supply health care services within the German health care system. Although in 2010 public hospitals made up 31 percent of hospitals, they provided 49 percent of the beds in Germany (Statistisches Bundesamt 2010). See Table 5.6 for the decline in share of hospitals and beds that are public in the German hospital sector between 1991 and 2010 (Boelt and Graf 2012: 130). Privately owned hospitals are still embedded in the German public health care system and affected by cuts, which also makes them susceptible to considering contracting out non-clinical services. Augurzky and Scheuer’s 2007 survey of public and private hospitals in Germany showed that “virtually all hospitals are outsourcing one way or another,” with two thirds of all hospitals outsourcing cleaning and more than 80 percent outsourcing laundry in their sample (Augurzky and Scheuer 2007: 266, 268).

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<sup>6</sup> In terms of the scope of privatization, the British government assessed the state of NHS properties including “1700 hospitals” plus “day hospitals, clinics, health centers, staff accommodation, ambulance stations and offices” and found that “40 percent” were “in poor condition...needing substantial remedial capital expenditure” (UK Audit Commission 1991: 7). This 1991 government report led to the launch of private finance programs for public infrastructure (PFI) in the UK; As of 2011/2012, there were 349 trusts in England. Each individual trust manages anywhere from 1 to 182 sites where contracting out may take place. Only 13/349 had contracted out less than 1 percent of facilities management services in 2011/2012. Great Western Hospital Foundation Trust had contracted out 89.06 percent of facilities management services for its 16 sites. Source: UK Department of Health, Hospital Estates and Facilities Statistics.

**Table 5.6: Public Hospitals and Beds as a Declining Share of the German Hospital Sector, 1991-2010**

Year	Number of Hospitals			Number of Beds		
	Public	Private Non-profit	Private	Public	Private Non-Profit	Private
1991	996	838	330	367,198	206,873	24,002
2010	539	644	575	223,385	164,337	74,735

Source: Boelt and Graf 2012

### **Cross Party Support for Dualization through Privatization of Public Hospitals**

Thus far, this chapter has addressed immigrant diversity, relative unemployment for immigrants, union fragmentation and candidacy for privatization in order to illustrate the neoliberal context. The following section examines in depth the form privatization took in the UK and Germany, as well as the political support underpinning it. In the UK, the NHS faced the expensive task of needing to refurbish and expand public hospital buildings and infrastructure. In Germany, the issue was one of both mounting operating costs and reimbursement for clinical care in hospitals. Although the type of budgetary constraints faced by each health care system differed, center right and center left parties in both countries chose privatization as the means of resolving the problem of rising health care costs. With the entry of private contractors as cheaper providers of non-clinical services through privatization, unions faced a workforce fragmented not just by occupation, but also by employer and increasingly by ethnicity. Later sections of this chapter will address the disproportionate presence of immigrants in privatized employment in public hospitals.

#### ***British Parties and NHS Privatization***

Although both Conservative and Labour governments have turned to various forms of privatization as tools to balance public budgets and increase the efficiency of public service delivery, politicians have also deployed privatization as a way of weakening the power of public sector trade unions (Howell 2005: 153-154; Klein 2006: 128-129). One specific type of privatization is the Private Finance Initiative (PFI). PFI began in 1992 under Conservative Prime Minister, John Major, and grew under successive Labour governments as a new way to access private money for new public hospital construction and concurrent building maintenance in the National Health Service (NHS). In exchange for constructing and maintaining new hospitals, private companies receive payments from individual NHS hospital trusts servicing as much as 30 years of contractual debt. Because these fees to private investors are fixed for the term of contract, and are combined with fluctuating amounts of public subsidies for healthcare, changes in patient demand and patient traffic due to population growth as well as more stringent rules requiring hospitals

to run budget surpluses, NHS trust hospitals face constant pressure to cut labor costs, particularly those of non-clinical labor.<sup>7</sup> In a 2009 House of Lords hearing on private finance, UNISON official Margie Jaffe, pointed out how the debt repayments NHS hospital trusts make to lenders for hospital renovations results in job losses and job insecurity for UNISON members:

“The major problems are the higher costs...What really matters to us is that these higher costs then lead on to affordability problems ... and there is huge downward pressure on the number of jobs and the terms and conditions of the workforce” (Jaffe 2009).

In response to this pressure NHS hospital trusts often renegotiate their PFI contracts so that they can transfer non-clinical labor to the private builder, while other hospital trusts contract out non-clinical tasks in the initial agreement. Contracting out non-clinical labor results in the existence of sub-categories of employees working in the same hospital, often doing the same tasks for different salary and benefits, making it more difficult for unions to build cohesion across privatized and public employees. Unions also have increased difficulty in PFI work environments, because immigrants comprise disproportionate numbers of privatized employees. Unions face two challenges, of building cohesion within job categories across the divides of pay and conditions as well as of building cohesion across ethnic groups (Jaffe 2009).

### ***German Parties and Privatization in the German Hospital Sector***

As in the British case, parties of the left and right in Germany both played important roles privatizing the hospital sector. Reforms begun in the early 1990s under the center-right government led by the CDU/CSU and FDP parties to stem the growth in health care costs including changes to hospital financing such that outlays by the state no longer matched actual expenditures made by providers such as hospitals. Instead, the center right government set a cap for rates of hospital reimbursement. The center left government led by the SPD and Green parties expanded these reforms in 2003 to include Diagnostic Research Groups, whereby not just overall sums to hospitals were limited, but a reimbursement sum was set for each specific diagnosis based on an average across hospitals (Mosebach 2007: 11).

The reductions in hospital funding caused by these reforms had important implications for privatization. As the actual costs of providing patient care often exceeded the diagnosis payments, hospitals ran budget deficits. Local and state

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<sup>7</sup> See for discussions of PFI in the NHS: Bach, Stephen and Rebecca Kolins Givan. 2010. “Regulating Employment Conditions in a Hospital Network: The Case of the Private Finance Initiative.” *Human Resource Management Journal*. 20(4): 424-439; Broadbent, Jane, Jas Gil and Richard Laughlin. 2003. “The Development of Contracting in the Context of Infrastructure Investment in the UK: The Case of the Private Finance Initiative in the National Health Service.” *International Public Management Journal*. 6(2):173-197; Pollock, Allyson M., Matthew G. Dunnigan, Declan Gaffney, David Price and Jean Shaoul. 1999. “The Private Finance Initiative: Planning the ‘new’ NHS: downsizing for the 21<sup>st</sup> century.” *British Medical Journal*. 319: 179-184; Shaoul, Jean, Anne Stafford and Pam Stapleton. 2008. “The Cost of Using Private Finance to Build, Finance and Operate Hospitals.” *Public Money and Management*. 101-108; HM Treasury. 2011. “Making Savings in Operational PFI Contracts.”

authorities managing public hospitals turned to privatization as a way to balance their budgets since they were unwilling to raise taxes to meet shortfalls. In the German case, privatization meant either selling the public hospital to a private buyer, as a way of eliminating the cost of operating a hospital from public balance sheets altogether, or hiring a private contractor to take over the management of non-clinical services at lower cost (Boehlke and Schulten 2008; Rheinisch Westfälisches Institut für Wirtschaftsforschung (RWI) 2012). This is in contrast to the British case where privatization referred not only to contracting out non-clinical services, but the use of private financing to refurbish and construct public hospital buildings.

Hospital privatization impacted labor in Germany in important ways. Similar to the UK, private employers taking over the management of formerly public hospitals or the subset of non-clinical services sought to reduce labor costs<sup>8</sup> in order to increase their share of profits (Boehlke and Schulten 2008). This resulted in a decline in terms and conditions for many job categories in non-clinical services as private employers either exited from national pay agreements or sought exception clauses, set up company specific collective agreements or resisted signing any collective agreement at all (Greer, Schulten and Boehlke 2013: 225). Whereas British law no longer compels private employers to maintain the terms and conditions of public employees in non-clinical services after contracting out, German law continues to stipulate that private employers must maintain the preexisting terms of contracted out public employees for twelve months before issue them a new contract (Greer et al. 2013: 225).

For immigrants clustered in non-clinical jobs, privatization poses additional challenges than if they were natives. As will be explored in the following section, immigrants as a group are much less likely to be employed under the terms of the national collective agreement for the health sector and more like to enter direct employment with the private contractor as individuals on a part-time, or temporary basis. This is due to the overrepresentation of immigrants in general in low wage work that is more prevalent in the private sector. Also, more vulnerable due to language barriers and cultural stigma, immigrants have trouble negotiating with the employer as well as in partnering with native workers and union members for improved conditions.

## **The Overrepresentation of Immigrants and Minorities in Low Wage Work**

What is the national and sectoral picture of low wage work in British hospitals, particularly among ethnic minorities and migrants? As of March 2011, just over 6 million people or 21.1 percent of the workforce possessed jobs in the UK public sector. Of these, nearly 1.6 million people worked for the National Health Service (ONS 2011b: 25). A further subset of NHS employees, 72, 283, provided “infrastructure support” such as the maintenance of “hotel, property and estates” (Health and Social Care Information Centre 2012). These figures do not represent

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<sup>8</sup> Boehlke and Schulten point out that personnel make up nearly 2/3 of hospital operating costs in Germany.

contracted out workers in hospital facilities management such as cleaning. Most NHS employees in maintenance are white (59,507), while mixed (681), Asian or Asian British (3,532), Black or Black British (3,397), Chinese (148), Other (1,122) and Unknown (3,760) form the balance of staff (Health and Social Care Information Centre 2012). The Department of Health also does not provide figures on the numbers of migrants in its workforce. The Low Pay Commission Report of 2012 fills in some details on the over-representation of ethnic minorities and migrants in low wage work such as contract cleaning in hospitals. Many of the non-clinical services contracted out by public hospitals to private firms as part of PFI deals have low pay. For example, the report identified cleaning as a low pay occupation and noted that cleaning jobs formed 19 percent of all low pay jobs in the UK (Department for Business, Innovation and Skills 2012: 23). It defined low pay as pay up to 110 percent of the minimum wage split into three categories: the 2011 UK minimum wage of £5.93 (US\$9.40) per hour or less, pay from £5.93 to £6.08 (US\$9.64) and pay from £6.08 to £6.50 (US\$10.31) (Department for Business, Innovation and Skills 2012: 23).<sup>9</sup> Racial and ethnic minorities as well as migrants are more likely to work in low wage sectors such as cleaning. The same Commission Report found that although 5.4 percent of white workers earned minimum wage in 2011, 7.8 percent of ethnic minorities and 8.4 percent of migrants received minimum wage (Department for Business, Innovation and Skills 2012: 26).<sup>10</sup> For 110 percent of the minimum wage, 19 percent of ethnic minority workers and 20 percent of migrant workers earned this low level of pay (Department for Business, Innovation and Skills 2012: 40). Table 5.7 summarizes the distribution of low wage work in the UK by race, ethnicity and nationality in 2011.

**Table 5.7: Low Wage Work in Percent in the UK by Race, Ethnicity and Nationality, 2011**

	Minimum Wage	110 Percent of Minimum Wage
All Workers	5.8	15
All Ethnic Minorities	7.8	19
White	5.4	14.5
Black	4.9	11
Pakistani	11.1	28
Bangladeshi	11.1	40
All Migrant Workers	8	20

Source: Low Pay Commission Report 2012

<sup>9</sup> The UK has had a National Minimum Wage since 1999. The minimum wage was £5.93 through September 2011, and increased to £6.08 (\$9.64) in October 2011, after the publication of this report.

<sup>10</sup> See Figure 2.4 on Minimum Wage Workers. The Report points out that separating the ethnic minorities category into its constituent groups reveals that whereas 11.1 percent of South Asian workers earn low wages, 4.9 percent of black (of African diaspora origin) workers earn low wages. The proportion of black workers of African descent and British citizenship is lower than that of white workers with British citizenship.

Immigrants are overrepresented among those working for low wages. Low wages are defined as any salary before taxes and transfers less than two thirds of the median salary in Germany (Lukas 2011: 12). As of 2008, the hourly median cutoff for low wage work was 9.06EUR (US\$11.75), meaning that employees earning this amount or less counted as low wage workers. Low wage workers made up 21.5 percent of the German workforce in 2008 (Lukas 2011:14). According to a 2011 report by the German Federal Ministry for Migration and Refugees (BAMF), “35.8 percent of people with a migration background work for low wages” compared with “15.9 percent of people without a migration background” (Lukas 2011:4). Migration background refers to the German Federal Statistics’ office definition referring to all those with at least one immigrant grandparent.<sup>11</sup> Disaggregating the 1<sup>st</sup> generation with a migration background from later generations of immigrants shows that later generations are less likely to work in the low wage sector than the first generation. Whereas 35.8 percent of the 1<sup>st</sup> generation works in low wage work, 17.5 percent of the later generations work in low wage work. The rate of low wage work among later generations with a migration background is not much greater than the 15.9 percent of employees without a migration background working in low wage work (Lukas 2011:19). The over-representation of immigrants in low wage work is summarized in Table 5.8. Foreigners have also been more likely to work in low wage work over time as summarized in Table 5.9 (Lukas 2011: 15).

**Table 5.8: Low Wage Work in Germany in 2007/2008 by Percent of Demographic Group**

Germans	16.7
Foreigners	35.2
No Migration Background	15.9
1 <sup>st</sup> Generation with Migration Background	35.8
2 <sup>nd</sup> Generation and Greater with Migration Background	17.5

Source: Lukas 2011

<sup>11</sup> Federal Statistical Office, 2010, “Bevölkerung und Erwerbstätigkeit-Bevölkerung mit Migrationshintergrund, Ergebnisse des Mikrozensus 2009” (Population and Employment-Population with a Migrationbackground, Results of the 2009 Microcensus), Fachserie 1, Reihe 2.2m Wiesbaden: Statistisches Bundesamt; See also Lukas, p19.



**Table 5.9: Change Over Time in Percent of Demographic Groups in Low Wage Work (all jobs and sectors).**

	1995	2008
Germans	14.3	19.5
Foreigners	20.6	33.7

Source: Lukas 2011

A greater proportion of immigrants in low wage work tend to work in mid-size businesses than non-immigrants. Whereas 46.9 percent of foreigners and 51.1 percent of Germans work in businesses with up to 20 employers, 25.9 percent of immigrants work in businesses with 100 to 499 employees, compared with only 11 percent of Germans. (Lukas 2011:31). People with a migration background are also found in different low wage sectors (Consumer goods repair, Hospitality and Company services) than those without a migration background (Convenience stores, Consumer goods repair and the Health-, animal health and social sector) (Lukas 2011: 37).

According to the BAMF 2011 report, only 4 percent of 1<sup>st</sup> generation persons with a migration background and 18.7 percent of later generations worked for low wages in the health care sector, compared with 11.3 percent of Germans without a migration background. This does not capture the extent to which immigrants are present in low wage hospital work as many immigrants also work for low wages in Company services, which includes private cleaning and security services used by many hospitals. 11.1 percent of the 1<sup>st</sup> generation and 9.6 percent of later generations worked in Company services, compared with 5.7 percent of Germans without a migration background (Lukas 2011:75). Altogether, the German health sector employed 4.8 million people or 11.9 percent of the total labor force in 2010. 1.113 million of these work in hospitals (BMG 2005). The presence of immigrants and foreigners in the hospital sector is summarized in Table 5.10 (Lukas 2011).

**Table 5.10: Low wage workers in Health, Veterinarian and Social sector in Percent; Company Services sectors in 2007/2008 by Nationality and Migration Background**

	Healthcare, Veterinarian and Social Sector	Company Services Sector
Germans	13.0	7.9
Foreigners	2.4	6.5
No Migration Background	14.1	3.6
Migration Background (All Generations)	11.2	19.5
1 <sup>st</sup> Generation with Migration Background	4.3	12.2
2 <sup>nd</sup> Generation and Greater with Migration Background	6.9	7.3

Source: Lukas 2011

## **Race, Ethnicity and Dualization**

Racial and ethnic relations are important for understanding the barriers to pro-immigrant action by union leaders on dualization. Consideration of race and ethnicity reveal some of the calculations made by native trade unionists as they consider partnership with immigrant activists in order to address their job marginalization. Native trade unionists have to decide if immigrant workers pose a problem as sign of union decline given their overrepresentation in peripheral employment. Or native trade unionists may choose to view immigrant workers eager to improve their economic position as a solution to in unions' decreasing abilities to maintain salaries and conditions.

In both the UK and Germany, privatization has led to a decline in union members' standards—immigrants and natives alike—because private contractors have been less likely to either adopt the prevailing terms of the public sector or be party to a private sector collective agreement. Contracted out workers in German public hospitals receive salaries “up to 40 percent lower” and lack retirement provisions in their terms and conditions. (Grimshaw 2007: 597). Furthermore, the private sector now drives lowered demands by public sector unions for pay and conditions (Grimshaw 2007:603). Although German law provides more protection to public hospital workers transferred to private contractors, unions in both countries have to deal with the indifference and hostility of significant portions of their native members vis-à-vis immigrants as well as the aspirations of contracted out immigrant members to public employment.

Whether immigrant vulnerability results from precarity in migration status or the lack of recognition for immigrant qualifications, it is this type of vulnerability rooted in immigrant status makes immigrants well-suited to low wage work with poor conditions. As the following sections show, immigrant activists in British and German unions face an uphill battle convincing union leaders to combat dualization because solidarity among the rank and file does not consistently extend to immigrant members.

### ***Race as Cleavage and Race as Resource in British Public Hospitals***

British unions with members in the public sector, such as UNISON, UNITE and the GMB, have been critical of privatization in the NHS because of its negative effects on their members' terms and conditions, as well as the tendency of private contractors to resist unionization. Yet many union officials have not recognized the ways in which race and ethnicity shape the dynamics of mobilization against privatization in the NHS. Yet, as UNISON migrant organizer Susan Cueva pointed out, not only are work conditions “divisive” at face value, but public and privatized workers do not necessarily share common cause due to shared race or ethnicity. Until 2011, former NHS workers transferred to private contractors held onto pension and sick leave benefits, which new hires employed directly by new private contractors were not eligible for. At an NHS Trust Hospital outside London, UNISON organizer Riley James<sup>12</sup> described a situation in which many of the white and black British members employed under NHS terms in the laundry department expressed

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<sup>12</sup> Riley James is a pseudonym.

indifference about the fact that their new Eastern European colleagues did not have the same benefits that they did. Rather, these UNISON members blamed migrants for taking 'their' jobs in the first place. At the same time, according to James, Eastern European workers hesitated to join the union which represented their British colleagues because UNISON could not guarantee terms and conditions equal to their NHS transfer colleagues. So, in addition to the free rider problems union organizers can expect in a national context where two groups of workers have different conditions although they are doing the same job, there are also the issues of native born workers who do not view immigrants as legitimate partners, and the issue of migrant workers who in their first contact with the union, view it as an organization that is able to deliver better results for native born-members than for migrant members.

Another way in which race and ethnicity change union mobilization around privatization, is that the flow of workers out of protected NHS transfer positions and into more precarious positions with the private firm is such that the pool of NHS transfer workers is shrinking, while the pool of contracted workers is growing. As NHS transfer workers leave to cash in pensions or find better positions, incoming migrant workers have fewer and fewer colleagues who have experienced job security. Departing NHS workers also take with them their experiences of alternative worker and management relations. New legislation in 2010 has decisively tilted the balance in favor of precarity for new employees in low wage positions in the NHS. In December 2010, the Conservative government amended the "two tier code" of 2006 TUPE (Transfer of Undertakings) law so that private contractors no longer are required to provide benefits to new employees comparable to those for transferred public sector employees.<sup>13</sup>

An additional example of the challenge posed to unions by diverse groups of workers, is that the migration status of migrant workers can also pose an additional barrier to both mobilization against the employer for better conditions as well as finding common cause with native-born workers. For example, many migrant workers from outside the EU and lacking Commonwealth ties have Tier 2 visas, which link their right to stay in Britain with a specific employer. Should an employer decide to dismiss Tier 2 visa holders for any reason, migrants have only 28 days to find a new job if they lose their old one or else they face deportation.<sup>14</sup> In cases of unfair dismissal, migrant employees are often unable to successfully pursue their claims in court due to these time constraints. In this way, migration status can make it difficult for union organizers to convince migrant workers to join the union. UNISON migrant organizer, Susan Cueva pointed out:

“...if you talk to migrant workers about organizing they say, ‘No, I don’t want to because I don’t want to be in trouble with my employer because I don’t want to be kicked out of the employment and then you know, I will be kicked out of the country.’ So, it’s a very big challenge

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<sup>13</sup> Transfer of Undertakings (TUPE) Parliamentary Briefing Paper, SN/BT/1064. December 21, 2011. House of Commons Library. Accessed online [www.parliament.uk](http://www.parliament.uk)

<sup>14</sup> UK Border Agency. “Employing Migrants” Accessed online <http://www.ukba.homeoffice.gov.uk/visas/immigration/working/tier2/general/sponsorship/employingmigrants/>

because of the strong stranglehold of the employers with the migrant workers, the risk that they will lose their right to work here, lose their right to stay here because of their restrictions in their visa.”<sup>15</sup>

Although some migrants are more vulnerable due to their migration status, British unions have not adequately addressed this issue, thereby limiting union efforts to confront the two-tier system in working conditions. UNISON migrant organizer Riley James argued that racism and xenophobia on the part of union members and organizers and the resultant resistance to commit resources to the problems of migrant workers were large problems. James pointed out that “unions still look at migrants as foreign people” and that “to a certain degree old staunch activists think migrants are here to take the jobs, why put resources aside?” James stated that there was “racism against white Eastern European immigrants not just black migrant workers” and stressed that it was “members [who] decide on resources and most are white middle class employees...many trade union officers share the views of members.” According to my informants, legal support is a key resource needed by migrant members from the union, yet one which they do not receive. UNISON migrant organizer Riley James contrasted available union legal aid for gender discrimination with the lack of aid for migrant workers worried about their status: “There is legal support for sexual harassment but not immigration legal support. I don’t know why. There is a free advice hotline but migrants are on their own legally.”<sup>16</sup>

While the prejudice of rank and file native-born members limits the capacity of the union to deliver gains specifically desired by migrant workers, British unions also have vibrant representative bodies for historically excluded groups called equalities structures which can provide an alternative way for migrant workers to appeal to rank and file native born members as well as pressure the leadership to take action. As discussed in Chapter 2, black Britons with origins in the Caribbean and South Asia campaigned for representative bodies for black workers’ within the trade union movement in response to discrimination at the workplace and within the union in the 1970s (Philzacklea and Miles 1979: 195). Activism around black identity and other identities subject to oppression within the trade union movement and the broader society, led to the recognition and administrative inclusion of women’s, youth, LGBT and disabled groups in addition to blacks under the banner of equalities (Kirton and Greene 2002: 164).

At the same time, many black native-born are also xenophobic towards migrant workers. Unison migrant organizer James described the difficulty migrant workers had penetrating black structures in the union as a “structural problem” due to the use of color as an organizing principle since “it’s called black members committees.” James pointed out that, “South Asians also don’t always feel like they belong.” James witnessed different groups of migrant workers from Latin America and from the Philippines attempting to get their concerns addressed at the annual TUC black workers’ conference: “Filipinos...they went, they tried and they just fought, they tried to bring issues forward, they were sidelined...Latin Americans said

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<sup>15</sup> Interview with UNISON migrant organizer, Susan Cueva on February 2011, in London, UK.

<sup>16</sup> Interview with UNISON migrant organizer, Riley James in February 2011, in London, UK.

they tried, it's a structural issue, and it won't change because those who decide, are committed to [the] status quo." Still, while migrants may not always succeed in getting their concerns to the top of the agenda within black workers' groups in British unions, migrants refer to the language of racialization and race discrimination to describe their problems at work with job marginalization and some migrant organizers have expressed the aim of seeking migrants' groups modeled after the black workers' structures.<sup>17</sup>

### ***The Rejection of Race as a Resource in German Public Hospitals***

Unlike the UK case, when unions encounter immigrants at work in Germany, most are not vulnerable due to a precarious migration status dependent on ties to their employer. In 2010, as many as 2/3 of all foreigners in Germany had permanent residency visas (*unbefristeter Aufenthaltstitel/Niederlassungserlaubnis*) and 60 percent of foreigners from outside of the EU also had permanent residency visas. Permanent residency visas allow their holders to work.<sup>18</sup> Citizens of all other EU countries, except Romania, Bulgaria and Croatia<sup>19</sup> have the right to reside in and work in Germany without a visa. An issue that is more prevalent for immigrants in Germany and affects as many as 2.9 million people residing there is getting recognition for qualifications obtained abroad (Schiedler 2013). A new law passed by the legislature in 2012 attempted to ease the process for foreign trained workers in several professions. The DGB (German Trade Union Federation) expressed support for the law in principle through public statements and forums, but also criticized it for not going far enough in terms of the number of professions included, not utilizing the union dominated vocational training system adequately or making provisions for refresher training (DGB 2011). A number of my informants stated that their DGB member union, Ver.di, was doing very little to address the issue at the local level.

For example, one works councilor and Ver.di member at a public hospital described differences between immigrant and native workers in non-clinical positions at his workplace kitchen regarding education. He noticed that the natives working in the kitchen lacked educational credentials, but that immigrants working in the same area landed in those positions because the employer did not recognize their foreign qualifications. Despite this key difference between immigrant and native workers in non-clinical positions, the union had not addressed this issue and he attributed it to the low priority of immigrant integration for the local union.<sup>20</sup> In the context of privatization, ethnicity matters for union organizers because natives and immigrants experience concerns about job security for different reasons. While

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<sup>17</sup> Interview with UNISON migrant organizer, Riley James in February 2011, in London, UK.

<sup>18</sup> Section 9, *Niederlassungserlaubnis* (Permanent Residency Permit), "Gesetz über den Aufenthalt, die Erwerbstätigkeit und die Integration von Ausländern im Bundesgebiet (Law addressing the residency, employment and integration of foreigners in the Federal territory)" Source, Foreigners' Bureau, Kassel, Germany, accessed online [www.auslaenderamt-kassel.de](http://www.auslaenderamt-kassel.de)

<sup>19</sup> Romanian and Bulgarian citizens received free access to the German labor market on January 1, 2014. Croatian citizens received free access on July 1, 2015. Source: "Leaflet 7: Employment of Foreign Workers in Germany," (2013). Bundesagentur für Arbeit (Federal Employment Agency) p6.

<sup>20</sup> Interview with Artur Hoch, in March 2011 in Augsburg, Germany.

one group of workers is reluctant to resist the employer because they may not find another job due to their lack of education, some immigrants educated abroad hesitate to get involved because of difficulties finding a new position to match their skills.

In comparison with British unions, the impact of ethnic and racial relations on dualization varies in German unions in terms of native trade unionists receptivity to immigrant mobilization around race. This is the case although previous sections of this chapter have shown that dualization has an ethnic dimension given immigrants' overrepresentation in low wage work. In interviews, native Ver.di union officials and activists expressed awareness of immigrant members but stressed that immigrants' status and racial identities as immigrants were not meaningful for union organizing. Sonja Marko, a national level Ver.di official for migration affairs, explicitly contrasted organizing around race in British unions with organizing around migration in Germany unions. She found the "black committees" and "black conferences" baffling, asking whether South Asians truly felt included and contested its ability to address hostility experienced by new groups like posted workers from Eastern Europe.<sup>21</sup> When asked if racism played any role as impetus for strike action at the Charite, Ver.di activist Stephen Gummert stressed the "high, ethical, social profile" of people who work in hospitals and his belief that many of his co-workers were "fundamentally against racism."<sup>22</sup> Yet, other native trade unionists expressed recognition of the fact that immigrants needed to mobilize themselves first in order to escape job marginalization. For one Ver.di activist, the fact that immigrant cleaners working for the private firm at his hospital "lacked a lobby" in Ver.di was a "scandal" typical of many German workplaces.<sup>23</sup> Another works councilor and Ver.di member in Southern Germany also pointed out that, ignoring immigrants was a pretty common practice within the union. He also faulted himself and his works council colleagues for not doing enough. The reason immigrant concerns are not addressed is due to the fact that it is not an organizational priority for them. Immigrant concerns lack champions among native officials. He noted:

"when I consider, that it's people who...have key positions [that matter] for moving things forward, whether it goes forward or not, then, uh, I see it as, if there isn't a concern about this issue there, carrying it forward and anchoring it, then it's not going to happen."<sup>24</sup>

Not only are ethnic and race relations within Ver.di characterized by both a denial of racism as an issue and criticism of the union's inertia towards the concerns of its immigrant members, on the rare occasion that native trade unionists discussed racism as a specific issue afflicting immigrants in the union, they viewed racism differently from British counterparts. Whereas British union officials spoke bluntly about the anti-immigrant prejudice of native workers and officials, German union officials couched their explanation of why the union does not grapple with the concerns of migrant members in the unions within a general unwillingness among

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<sup>21</sup> Interview with Sonja Marko, Ver.di, in November 2010 in Berlin, Germany

<sup>22</sup> Interview with Stephen Gummert, Ver.di in May 2012 in Berlin, Germany.

<sup>23</sup> Interview with Joerg Hauptmann in May 2012 in Berlin, Germany.

<sup>24</sup> Interview with Artur Hoch, Ver.di in March 2011 in Augsburg, Germany.

German unions to interrogate the extent to which the union tolerates the far-right among the membership and officials. One informant noted that the union:

“has not thoroughly considered the question of nationalism or fascism or racism but just reacts when it pops up...if you don’t honestly and fundamentally deal with the question of nationalism, you can’t deal with the question of integration.”<sup>25</sup>

He implied that the presence of the far right among unions could not be reduced to overt public displays:

“One of those issues is that of right extremism or the question, to what extent do we tolerate it in our own organization? Where do you start? It’s not just storm troopers going through the streets with Nazi slogans, there are other places to look for that kind of sentiment”<sup>26</sup>

German trade unionists are less receptive to immigrant mobilization around race – based claims. This is consistent with Chapter 2’s discussion of the importance of relevant identity templates and the discredited position of race as a category for positive social inclusion

Black committees and conferences for post-colonial migrants to the UK from the Caribbean, Africa and South Asia have been in existence since the 1970s. In contrast, immigrants have been unable to set up representative structures in Ver.di or its largest predecessor, ÖTV until recently due to resistance to the idea of immigrant organization by native union officials and lack of cohesion among national origin groups among immigrants (Borgmeier and Bueddicker 1994: 308). Organizational resistance to specific structures for immigrants persisted from the attainment of a critical mass of immigrant members and workers in the public sector by the mid 1970s and lasted until ÖTV dissolved into Ver.di in 2001. Officials viewed the creation of special representation for immigrants as something more likely to “prevent rather than encourage [immigrant] integration into the union” (Borgmeier and Bueddicker 1994: 299). Immigrant conferences at the state level began shortly after Ver.di’s founding in 2002, and immigrants were recognized as an official union interest group (*Personengruppe*) in 2008.<sup>27</sup> The first national level conference on migration issues took place in 2011 and one of the topics for discussion was the link between precarious work and discrimination against immigrants (Ver.di 2011b).

## Conclusion

In summary, while both unions have made statements of support for immigrant concerns such as visa status or recognition for foreign qualifications, union officials at the mid- and local level largely do not address these concerns. Immigrants in both British and German unions have set up identity-based committees and conferences. Where British and German public sector unions diverge is on the type of self-organization available for immigrants and the extent to which racism is viewed as institutionally pervasive. Within British unions,

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<sup>25</sup> Author interview with Artur Hoch, in March 2011 in Augsburg, Germany.

<sup>26</sup> Author interview with Artur Hoch, in March 2011 in Augsburg, Germany.

<sup>27</sup> 2002 conference program and 2008 Migration newsletter accessed online at [migration.verdi.de](http://migration.verdi.de).

immigrants organize around the racial identity of blackness and have black committees. Within German unions immigrants organize around the experience of migration and have migration committees. Until recently, German public sector unions viewed immigrant self-organization negatively as a barrier to immigrant incorporation. When it comes to views of racism as a pervasive problem, British unions acknowledge this, whereas German unions limit racism to fascists and nationalists and conceptualize the problem for unions in terms of the ejection of this sub group.

Immigrant activists seeking pro-immigrant action by union leaders on job marginalization must first mobilize themselves around a resonant identity, then partner with native trade unionists. This chapter has provided some background on the political process of privatization as it relates to dualization in public hospitals. Immigrant activists in public sector unions face numerous challenges to engage in the process needed to elicit support from union leadership. Not only must immigrant activists articulate a mobilizing identity although immigrant disadvantage militates against mobilization, they must also forge solidarity with native trade unionists often unconcerned with immigrant overrepresentation in low wage work. The next chapter uses cases studies of two hospitals, one Britain and one in Germany to examine immigrant efforts to achieve pro-immigrant action on dualization or job marginalization.



## Chapter 6. Resisting Dualization

### Introduction

Contracted out immigrant workers at two public hospitals, one in the UK and one in Germany, went on strike to protest their poor working conditions. In both cases, immigrants partnered with native workers and activists in settings where union competition and the likelihood of privatization were similar. Yet, despite this shared context, only immigrants at the British public hospital succeeded in empowering themselves, building durable partnerships with natives and achieving support from union leaders for improved working conditions. Immigrants in the German case remained disempowered after a short-lived attempt to partner with native union activists and failed to attain their demands.

I argue that immigrants in the British case succeeded, unlike their German counterparts, due to their ability to mobilize in a way that referenced the British identity template of race. Their German counterparts failed to mobilize around the corresponding identity template of constitutional patriotism and struggled to establish the cohesion necessary to establish a sustained partnership with native trade unionists. Whereas immigrants in Britain interpreted their poor treatment by the employer as an example of racism, immigrants in Germany did not attribute their conditions to racist employers. The comparison in this chapter shows that when immigrant workers trapped in peripheral employment use identity as an asset for mobilization, they can collaborate with native union activists in order to improve working conditions. In this way, immigrant activists are sustaining and transforming labor unions as institutions of political economy by enacting their partnerships with native union activists on their own terms and bolstering classic union aims of protecting stable well-paid employment.

My argument about the role of identity templates in shaping immigrant mobilization then immigrant-native alliances in labor unions belongs to a tradition of social movement research highlighting the prominence of these factors (Ganz 200; Milkman et al 2002; Clemens and Minkoff 2004). In his comparison of AWOC and UFW organizing of Mexican – American farmworkers, Ganz develops the concept of “strategic capacity” among union leaders (Ganz 2000: 1012-4). Whereas both the AWOC and UFW had some activists from the Mexican-American community, the smaller poorer UFW had Mexican-American and white leaders in positions of power, who in turn had ties to the ethnic community of Mexican-Americans where most of the farmworkers originated. These ties enabled the UFW leaders to better ascertain the nature of the problem they were dealing with as well as to embrace the ethnic community concerns and structures as a way to mobilize people in a new way (Ganz 2000: 1030). Ganz described how in the smaller union, “ethnic identity had been central to the UFW organizing strategy since its founding convention, in sharp contrast to the AWOC” (Ganz 2000: 1034).

Another factor that also enabled the UFW leaders to develop new ways to mobilize the farm-workers, was that they were attuned to and tapped into larger societal trends regarding ethnic identities and empowerment to build support beyond the impacted workers (Ganz 2000: 1030). Ganz stated that UFW leaders thought the struggles of Mexican-American farmworkers would resonate across the

country the way the struggles of African-Americans had: “The systematic discrimination to which Mexicans had been subjected in the Southwest was a story not well known by the rest of the country, but the UFW leadership’s recognition of the public support developed by the Civil Rights movement suggested this might be a story that the rest of the country could be told” (Ganz 2000:1034-1035). I also examine how immigrant activists draw upon different national histories, laws and policies that function as identity templates. As discussed in detail in chapter 2, identity templates offer information to immigrant activists about the appropriateness of racial and ethnic identities for building a constituency<sup>1</sup>. Identity templates also contain clues about how immigrant activists should communicate to the mainstream society as to why immigrants’ grievances are legitimate.

This chapter contributes to the overall argument of my dissertation about the importance of immigrant agency for the persistence or breakdown of institutions of political economy in Western Europe due to globalization. Immigrants are central to understanding the way globalization impacts the labor market in Western Europe. Increasingly, national labor markets are characterized by job marginalization or dualization in which the numbers of insecure, low paid jobs grow while stable, well-paid employment stagnates and even shrinks. As uniquely vulnerable workers with a disproportionate and growing role in peripheral labor markets, immigrants face greater difficulty than natives challenging employers over work conditions and cooperating with native co-workers and activists to resist arbitrary employer behavior. Yet, immigrant mobilization within unions is critical for stemming the expansion of low wage work associated with dualization. This chapter shows that immigrants can serve as a bulwark against growth in insecure employment. Immigrants who mobilize themselves then seek partnership with native trade unionists can pressure unions to resist dualization. First immigrant activists define their problems at work in a way that creates a shared identity. This shared identity can then be used as an asset with which to confront the employer as well as in setting the terms of partnership with native workers and activists.

Although immigrants in both countries faced similar circumstances, immigrants in the UK achieved different outcomes from immigrants in Germany owing to their skillful connection of their struggle with the prevailing identity template of race. The chapter proceeds in the following way. I give descriptive overview of the two public hospital cases, underscoring the broad similarities in terms of the context and challenges faced by immigrant workers. Great Western Hospital in Swindon, UK and Charité Hospital in Berlin, Germany are analytically of interest because both hospitals had multiple unions on site and were average candidates for privatization. The private contractors also employed most of the immigrant workers at these hospitals. In the next section, I highlight the role of fragmented unions in generating a similar setting for contracted out workers in public hospitals across the two countries. Despite the shared presence of fragmented unions, only immigrant workers in the British case successfully navigated among these unions in order

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<sup>1</sup> My concept of the identity template bears some resemblance to the “structural template” of Clemens and Minkoff, however it is both more narrow in that my concept refers only to identity as defined as the traits of status and membership. My concept is also more diffuse in that the location of templates or rules about identity can be found in history, laws, policies and organizations. See Clemens and Minkoff 2004: 162.

to build a sustainable partnership. The chapter then examines the specific work conditions of immigrants in both hospitals that provided the motivation for protest. In both cases, immigrants were subject to greater employer exploitation and shared less solidarity with natives. This section also addresses the role of language in facilitating employer exploitation and hindering cooperation with native workers. The following section continues by exploring the way in which reference to the identity template of race functioned as an asset for immigrant mobilization in the British case and the creative role of immigrant leaders in cementing their base. I contrast this with the absence of a link between immigrants' claims and the identity template in Germany of constitutional patriotism. While immigrants in the UK understood their uniquely vulnerable status as a function of racial discrimination, immigrants in Germany lacked a framework for making sense of their situation. By way of conclusion, the chapter addresses the outcomes of enhanced mobility and improved pay and conditions achieved by immigrants in the UK. I contrast this with immigrants' failure to attain the same outcomes in Germany.

### **Two Cases of Privatized Public Hospitals**

In the following section, I introduce the two hospital cases, Great Western Hospital in Swindon, UK and Charité hospital in Berlin, Germany as average candidates for privatization. As mentioned in the chapter addressing case selection, since the early 1990s, more than 75 percent of public hospitals in the UK have used private financing or PFI for new construction or renovation, and until 2007 were obligated to contract out their non-clinical workforce as part of the deal. Great Western Hospital was typical in that it replaced an older hospital in need of renovation and contracted out cleaning and catering services to a private firm, Carillion. Privatized public hospitals also had one of three governance structures as a Foundation Trust, Trust or Primary Care Trust. Foundation Trusts have the most flexibility in terms of implementing the national pay framework for the NHS, the Agenda for Change. 88 percent of PFI hospitals belonged to one of the first two categories. Great Western Hospital was a Trust before becoming a Foundation Trust in 2008.

Similarly, due to system-wide caps on hospital financing in Germany, the Charité can also be regarded as a typical case of privatization, as it suffered from budget deficits shortly after the caps and turned to privatization of non-clinical tasks as a way to save money. In the previous chapter, I documented the across-the-board decline in the number of public hospitals in Germany regardless of size or region between 1991 and 2010. For both hospitals, I show how each came to be privatized, provide details on the makeup of the workforces, the demands of contracted out immigrant workers and the protests.

#### ***Protest at a Privatized British Hospital: Great Western Hospital in Swindon, UK***

Great Western Hospital, a public hospital in Swindon, UK opened in 2008 as the successor hospital to Princess Margaret Hospital, which local authorities decided to close because it lacked the space to meet the community's needs. Due to budget pressures, local authorities in partnership with the NHS, made use of a private financing initiative (PFI) program to raise funds to build a new hospital. Through PFI, local authorities hired the private contractor, Carillion, to build a new hospital and borrowed money from a Carillion investment partner to finance the building. The contractor then leased the hospital back to the locality and received the cost of the loan plus interest. As part of the PFI scheme, local

authorities and the NHS trust also contracted out facilities management for the hospital including housekeeping, catering, and security services to Carillion. Great Western Hospital employed 5,500 people in 2010/2011, and Carillion employed 200 people at Great Western Hospital in 2012 (Great Western NHS Foundation Trust 2012:3; Bond 2012b). According to Great Western Hospital's workforce files, 12 percent belonged to an ethnic minority. Ethnic minorities made up at least 21 percent of the lowest qualification levels of Band 1-4 of all staff, and these positions at the bottom of the spectrum have been more likely to be contracted out (Great Western NHS Foundation Trust 2012:5). Although GWH hospital does not collect data on either contracted out workers or immigrants in its workforce files, local media outlets reported that approximately 150 of Carillion's 200 employees were first generation migrants of Indian origin (Bond 2012a).

Just over 100 of Carillion immigrant employees went on strike intermittently for 21 days starting February 2012. Also GMB union members, they protested unfair treatment including bullying, harassment and discrimination by Carillion, the private contractor (Bond 2011). At the end of March 2012, striking GMB members decided to return to work to participate in Carillion's inquiry into the allegations. Members of other unions in the community including, Unite, UNISON, and other GMB branches, attended a protest on March 17, 2012 swelling numbers to 800 (Dunn 2012). Carillion employees not only demonstrated in front of the Great Western Hospital in Swindon where they work, sub-groups of protesters have also travelled to Nationwide and Zurich Insurance offices in Swindon where GMB members say Carillion obtained "strike breakers" (Bond 2012b). Additional GMB members also protested outside Carillion offices in London on February 21, 2012 and a Bristol hospital, Southmeade, where Carillion has a building contract, on March 10, 2012 and May 2, 2012 (Bond 2012b; The Post 2012).<sup>2</sup>

### ***Protest at a Privatized German Hospital: Charité Hospital in Berlin, Germany***

With just over 13,000 employees, the Charité is the largest university teaching hospital center in Europe. After the 2004 fusion of four university teaching and research clinics in Berlin, the Charité was faced with large combined budget deficits (Charité 2008: 23; Charité 2009; Charité 2011).<sup>3</sup> The controlling authorities, including the hospital management and the Berlin state parliament, decided to create Charité Facilities Management GmbH (CFM) as a subsidiary private company for non-medical functions. Cleaning, catering, reception, equipment sterilization, grounds management and security were some of the non-medical functions delegated to the purview of the CFM (Abgeordnetenhaus Berlin 2006).<sup>4</sup>

The Charité then issued a competitive tender calling for private sector bids across Europe to run the CFM with 49 percent ownership. The Vamed, Dussmann and Hellerman Logistics consortium won the 7-year contract with the Charité worth nearly 1 billion Euros. Since January 1, 2006, CFM has provided services to all three branches of the Charité hospital—Charité Mitte, Virchow-Klinikum and Benjamin Franklin, as well as the research

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<sup>2</sup> Author attended this protest on May 2, 2012.

<sup>3</sup> Losses of EUR 8.976 million (2007), EUR 56.613 million (2008), EUR 19.247 million (2009) and EUR 17.769 million (2010) were disclosed in the 2009 and 2008 Charité Annual Reports.

<sup>4</sup> See the parliamentary request made by Berlin state representative, Ingeborg Simon, for information about the CFM in 2006.

center in Berlin-Buch. The CFM supervised 2,606 employees in 2010, of which 1,881 employees had contracts directly with the CFM and 725 employees retained their contracts with the Charité, while being supervised by the CFM (Ver.di 2011: 6-7). Less than 5 percent of the Charité workforce and greater than 50 percent of the CFM workforce was of immigrant origin.<sup>5</sup>

Although the CFM has contributed to the Charité's program to resolve its financial woes, critical media coverage has highlighted problems with the way the CFM delivers services at low cost, particularly in labor relations (Förster 2006). For example, regional papers, *Die Welt* and the *Berliner Morgenpost*, reported on hourly wages as low as EUR 5.55 for some CFM security guards and regular exposure to infectious substances for cleaners who lacked the proper safety training and equipment (Schoelmaker 2008; Schomaker and Schoelmaker 2009). In 2006 and again in 2008, other stories outed CFM managers with past involvement as informants for the former Communist East German Stasi and their subsequent resignation in response to public and political pressure (Kotlorz 2006; Banse and Behrendt 2009). The *Financial Times Deutschland* also covered an investigation by the European Commission into allegations of insider dealing in the Charité-CFM competitive tender (Förster 2006; Kotlorz 2008).

Strikes took place at the Charité from March-December 2011. In March and again in May, German and immigrant workers from the Charité and the private contractor, the CFM went on strike together. After May 2011, the CFM workers, most of immigrant background, continued strike action until December 2011. During the week-long strike in May 2011, CFM employees and Charité employees demonstrated together as members of the same union, Ver.di. Each group had their own demands of the employer. Employees working for the private contractor, CFM, wanted a collective agreement that included monthly wage increases of EUR 168 per person. On the other hand, Charité employees wanted to renegotiate their existing agreement to get a monthly increase of EUR 300 for all employees except doctors.

In sum, contracted out immigrant workers at public hospitals in both the UK and Germany faced a similar landscape in terms of the widespread pressures of privatization. Against this shared backdrop, both groups of immigrant workers sought to improve their working conditions through protest. As the following sections demonstrate, despite the commonalities in terms of the context for immigrant protest, the outcomes differed. In contrast to their German counterparts, only immigrant workers at Great Western Hospital in the UK empowered themselves, forged solidarity with natives and achieved better working conditions. Outcomes for contracted out immigrant workers in the UK varied so much from those of immigrant workers in Germany because they were able to successfully mobilize around a racial identity that resonated with the British national context.

### **Key Actors Present Across Cases**

The presence of key actors across both cases is an important dimension of similarity that suggests immigrant mobilization would result in the same outcomes of immigrant empowerment, a durable partnership with natives and improved working conditions after protest. Despite shared actors, immigrants at the British hospital achieved different

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<sup>5</sup> Interview with Arnim Thomass, Ver.di in July 2011 in Berlin, Germany.

outcomes than their counterparts at the German hospital. Key actors at both hospitals included the following: unions, immigrants, public and private employers (see Table 6.1).

Union competition formed an important backdrop to the mobilization of contracted out immigrant workers. Both Great Western hospital and Charité hospital were multi-union worksites with three types of unions. Each hospital had a union that blocked immigrant empowerment, a union that enabled immigrant activism, and one union on the sidelines.

**Table 6.1: Key Actors in the Strikes**

	<i>Hospital</i>	
<i>Key Actors</i>	Charité	Great Western Hospital (GWH)
Unions (blocking)	IG BAU	UNISON
Unions (enabling)	Ver.di	GMB
Unions (sidelines)	DBB/GKL	Unite
Immigrants in public sector	<5% Korean, Turkish	12% ethnic minority
Immigrants in private sector	>50%, 53 Nationalities including Turkish, Polish, former Yugoslavian	>50%, 1 <sup>st</sup> generation Indian immigrants, Nigerian
Employers in public sector	Charité	GWH
Employers in private sector	CFM	Carillion

At Great Western Hospital (GWH) in Britain, UNISON officials onsite did not support immigrant mobilization against bullying at work, in fact some of the supervisors responsible for the poor working conditions were UNISON members. This led to immigrant members transferring from UNISON to the GMB. The GMB in turn enabled immigrants to demand the employer address bullying by submitting procedural complaints and coordinating strike action. A smaller minor union, UNITE, did not play any significant role in immigrant mobilization. Similarly, at the Charité in Germany, IG-BAU sought to hinder participation by immigrant members in the Charité-CFM joint strike by spreading misinformation about the strike's legality. Many immigrant members of IG-BAU then cancelled their membership and joined Ver.di and the smaller minor union DBB/GKL, where active organizing for the strike was going on.

The presence of unions blocking, enabling and remaining on the sidelines of immigrant protests, reflected growth in union fragmentation across countries owing to the pressures of globalization. Formerly all the employees of a public hospital were public employees and represented by the same union. As hospitals contract out functions to private providers, public hospitals became zones of union competition, with different unions representing privatized and public workers. More so than that of native workers in the past, immigrant workers' experience of unions has been one increasingly characterized by ambiguity. Unions may or may not help member workers trying to better employment conditions and unions vary in their ability to influence matters at the workplace. Although

the comparative capitalisms literature characterizes unions in German workplaces as significantly more centralized and less fragmented than unions in British workplaces, my work shows that immigrant workers in Germany and the UK navigated a similar constellation of unions at the workplace characterized by fragmentation and competition (Thelen 1991; Hall and Soskice 2001; Thelen and Palier 2010).

Other parallels regarding important actors at the two hospitals concern that of employers and immigrant groups. Both public hospitals retained private contractors to deliver non-clinical services. As an NHS trust hospital, Great Western hospital was a public employer that had contracted out non-clinical tasks to the private employer, Carillion. Along the same lines, the Charité hospital was the public employer and had contracted out cleaning to a private employer, the consortium CFM, in which the Charité had a non-controlling ownership stake. Most immigrants employed at each hospital worked for the private contractor. At Great Western hospital, minorities made up 12 percent of the staff. With the private employer, Carillion, immigrants made up greater than 50 percent of the staff. At the Berlin hospital, more than 53 nationalities were represented including people of Turkish, Polish, Korean and former Yugoslavian background. Whereas immigrants made up less than 5 percent of Charité staff, they made up at least 50 percent of the contracted out CFM staff.

### **Immigrant Experiences of Dualization: Greater Employer Exploitation, Less Solidarity with Native Workers**

Contracted out immigrant workers in the British and German hospital cases faced employer intimidation and difficulties building solidarity with native workers. Immigrant workers wanted standardized pay and benefits as well as union recognition to enforce improvements in working conditions. They also wanted sanctions for managers who violated the terms of employment (see Table 6.2) and engaged in bullying, extortion and discrimination. When immigrants sought to resist job marginalizations at work through protest, weak or few ties with native co-workers, partially due to social isolation and lack of language facility, served as an obstacle to partnership between immigrants and natives. Yet, only immigrant workers in the British hospital case were able to overcome employer intimidation and the challenges of cross-ethnic partnership with native workers by developing an identity around race relevant to the UK context.

**Table 6.2: Working Conditions for Contracted Out Immigrant Workers at GWH and Charité**

<i>Working Conditions</i>	<i>Hospital</i>	
	<i>Charité</i>	<i>Great Western Hospital</i>
Lack of collective agreement/standardized pay, benefits, vacation and working conditions	x	x
Enforcement of pay and conditions	x	x
Lack of language fluency	x	x
Weak or few ties with native workers	x	x
Employer intimidation	x	x
Union intimidation	x	x
Lack of respect		x
Lack of sanctions for managers		x
Discrimination		x
Bullying		x
Union recognition	x	x

As discussed in detail in previous chapters, the specific working conditions faced by contracted out immigrant workers at Great Western Hospital and Charité Hospital reflected broader trends in job quality declines associated with job marginalization or dualization in Western Europe. Previous research has shown how privatized workers within the public sector have difficulty accessing time off for paid holidays or sick leave or have reduced benefits in these areas<sup>6</sup> and often receive less pay than public employees.<sup>7</sup> Contracted out employees also struggled with greater social isolation than in the public sector due to working times and less use of group assignments. Even with a collective agreement in force, privatized workers can still receive less than the contractual and legal minimum (Schlese and Schramm 2004: 47).<sup>8</sup> Migrant status can compound the difficulties associated with privatization as employers may couple a refusal to honor contracts with possession of passports and intimidation regarding immigrants' right of residency (McKay et al. 2006: 100). Immigrants' social isolation can also influence whether native workers view

<sup>6</sup> For declines in paid leave, see Reeves Eoin and Michael Barrow. 2000. "The Impact of Contracting Out on the Costs of Refuse Collection Services: The Case of Ireland." *The Economic and Social Review*, 31 (2): 120-150; Pinch, Philip and Alan Patterson. 2000. "Public Sector Restructuring and Regional Development: The Impact of Compulsory Competitive Tendering in the UK." *Regional Studies* 34(3): 265-275; Jensen, Paul H. and Robin E. Stonecase. 2005. "Incentives and the Efficiency of Public Sector Outsourcing Contracts." *Journal of Economic Surveys* 19(5): 767-787.

<sup>7</sup> For declines in salary after privatization, see Bel, Germà and Anton Costas. 2006. "Do Public Sector Reforms Get Rusty? Local Privatization in Spain," *The Journal of Policy Reform* 9(1): 1-24; Cunningham, Ian and Philip James. 2009. "The Outsourcing of Social Care in Britain: What Does It Mean for Voluntary Sector Workers?" *Work, Employment and Society* 23(2): 363-375.

<sup>8</sup> The sub-sample of cleaners was 284.



immigrants' complaints about onerous working conditions as legitimate (Gather et al. 2005: 160-165; Mauer 2009: 14-18).

The following discussion of working conditions for contracted out immigrant workers at Great Western Hospital and Charité Hospital draws on interview evidence from informants working at these hospitals as well as observational evidence gained from attending protests and visiting these work-sites. Previous studies of globalization and its impact on institutions in Western Europe have not relied upon interview and observational data as the analytical bedrock, mainly due to perceived limitations of the degree such evidence can be extrapolated to the macro level. Yet, interview and observational evidence offers useful information on macro level phenomenon.<sup>9</sup> Work-site studies show the level and appropriate context at which large scale forces such as globalization occur and are experienced by people. Also, work-site studies such as this one uncover how people view and make sense of their experiences of large-scale forces. My argument about the role of identity templates in facilitating effective immigrant mobilization and subsequent partnership with native trade unionists, is one about how important individual perceptions of their experiences are for political mobilization. When individuals view their experiences as shared by others and attributable to group membership, they are better equipped to resist forces otherwise viewed as inexorable, such as globalization.

### ***Working Conditions for Immigrants at Great Western Hospital in Swindon, UK***

Immigrant outsiders at Great Western Hospital in Swindon, UK struggled with a number of problems, many of them shared by immigrant outsiders at the Charité in Berlin, Germany. Although immigrant workers in the UK did not go on strike in order to get a single collective agreement covering all contracted out employees as in Germany, they did want their private employer, Carillion, to maintain its commitment to the terms and conditions of their individual contracts. Managers used a variety of tactics to prevent immigrant employees from using vacation days they were entitled to such as, limiting requests for vacation time during Christmas, although employees had 22 days of vacation per calendar year. Immigrant employees found themselves often caught in administrative snarls of having filed the appropriate paperwork for vacation, having received approval and right before the vacation period, managers claimed having no record of approving their vacation.<sup>10</sup> One immigrant organizer, Leonardo Amin described applying for vacation earlier than a British colleague for the same period and receiving different treatment:

“I applied for leave in January for April. I was told, ‘Sorry, too many people are on holiday.’ Then...my British colleague applied in February and her vacation for April was approved.”<sup>11</sup>

Several employees also had not received payment for overtime. In fact a number of managers demanded bribes from employees as a condition of receiving overtime assignments (Edwards 2012). Employees either had to pay the manager or clean the

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<sup>9</sup> See Vaughan for similar arguments about the usefulness of ethnography for policy research in, Vaughan, Diane (2005). “On the Relevance of Ethnography for the Production of Public Sociology and Policy,” *British Journal of Sociology*, 56(3): 412-413.

<sup>10</sup> Interview with Leonardo Amin, GMB in May 2012 in Swindon, UK; Author attended a GMB meeting attended on May 1, 2012; Leonardo Amin is a pseudonym.

<sup>11</sup> Interview with Leonardo Amin, GMB in May 2012 in Swindon, UK.

manager's house in order to get overtime pay and assignments.<sup>12</sup> In sum, contracted out immigrant workers at Great Western Hospital in the UK wanted their employer to honor vacation days employees were entitled to in their contracts, approve overtime assignments, cease discriminatory behavior against immigrant employees and sanction managers who engaged in bullying and extortion regarding work assignments and benefits claims.

Language difficulties among immigrant workers doing non-clinical work at Great Western Hospital also made them more vulnerable to employer exploitation as well as less able to form ties with native workers. While touring Great Western Hospital with a GMB local official, he mentioned the fact that language was an issue for many of the first generation immigrants from Goa, India working as cleaners and hostesses. In his view, part of the reason they had not improved their language skills was because they were culturally isolated from British people. At two 2011 public meetings on May 2 and May 16, I observed that Carlos Sah,<sup>13</sup> one of the immigrant leaders and GMB union representatives, offered a summary of speeches made in the English language translated into Konkani, the language spoken by many of his colleagues, since many of them had weak English skills.<sup>14</sup> The greater English language knowledge of immigrant organizers made it easier for them to submit written complaints about managers' failure to enforce the individual contracts and verbally resist employer intimidation.<sup>15</sup> Margaret Okoroafo, another immigrant organizer, contrasted her English language skills with those of her colleagues and argued that her colleagues' ability to challenge the employer was linked to their language skills:

“They walk away angry, and because they can't...really express their feelings properly, because their English is not very good, so the supervisors and every other person take advantage of that, you know.”<sup>16</sup>

Similar to the dynamics at the German hospital, this informant also highlighted how her colleagues also had trouble understanding their rights due to weak language skills:

“Because they don't really understand English, whatever thing that is said against them, they don't even know, some allegations, and it goes on like that, you see? So that's the way they suffer, which is not good at all. Because these people, they've made them to become so scared, that they don't know what ...their rights [are] anymore. All they want is, I want to keep this job, I can't afford losing this job, so, whatever thing they are told to do, they do it.”<sup>17</sup>

Although weak language skills made it hard for immigrant workers to form ties with native workers in both hospitals, immigrant workers at Great Western hospital were also more isolated from native workers than at the Charité in Berlin, because Carillion employed very few native workers. When asked whether British workers supported immigrant workers in their dispute with Carillion, informants pointed out that few British people worked with them in cleaning and catering until after the strikes had begun, when

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<sup>12</sup> Interview with Leonardo Amin, GMB in May 2012 in Swindon, UK; Informal interviews with Cleaners at May 2, 2012 protest at Southmeade Hospital construction site in Bristol, UK; Author attended meeting with GMB officials and cleaners on May 1, 2012, in Swindon, UK.

<sup>13</sup> Carlos Sah is a pseudonym.

<sup>14</sup> Author attended GMB public meetings on May 2 and May 16, 2012.

<sup>15</sup> One informant provided copies of written complaints contesting denied training requests.

<sup>16</sup> Interview with Margaret Okoroafo, GMB, in May 2012 in Swindon, UK.

<sup>17</sup> Interview with Margaret Okoroafo, GMB in May 2012 in Swindon, UK.

more British employees were hired.<sup>18</sup> Given that immigrant outsiders were relatively isolated from native workers, they did not view them as logical partners in their strikes.

Immigrants also perceived natives as having different interests, rooted in the fact that they were not subject to bullying or arbitrary denial of benefits such as overtime or vacation. One informant stated that British workers did not come to the immigrant strikes since: “they are not being bullied really ...because they get away with what they want. So, it’s no problem for them.”<sup>19</sup> Another informant acknowledged that a few of the individual native workers had noticed the disparity in treatment between immigrants and natives, although they themselves had not suffered from poor treatment:

“We had a couple of British people in the housekeeping and they joined...But for them, it’s not a problem... The problem is they are aware of bullying, they know Goans are not getting fair treatment...Some have witnessed how...[There was] support from [the] NHS—they came and supported and held their banners and supported.”<sup>20</sup>

Immigrant workers, who were primarily non-white, also viewed their distinctive troubles relative to British workers as linked to their skin color. One informant noted that a British supervisor, Jackie, did not get along with non-whites:

“You see and recently there’s this, um dark-skinned supervisor, that came in as well, who has left because of Jackie...If you are not English, you’re in trouble. Just English. With the English, no problem.”<sup>21</sup>

Immigrant outsiders at Great Western hospital also struggled with intimidation from their employer, the private contractor Carillion, and a labor union onsite, UNISON, who tried to block them when they tried to organize to improve their conditions. When immigrant workers began a series of intermittent strikes in February 2012, Carillion stated its intention of disciplining employees who gave bribes, rather than the managers who demanded them. Although Carillion suspended one of the most vocal immigrant organizers, managers were not similarly sanctioned.<sup>22</sup> When addressing the grievances made by immigrant workers, Carillion managers also tried to intimidate workers by scheduling the meeting next to the office of the manager who had bullied many of the workers.

Immigrants also faced intimidation from the most prominent recognized union onsite, UNISON, because it was more closely allied with management.<sup>23</sup> Immigrant activist, Margaret Okoroafo described her personal interaction with the UNISON representative as one that was not supportive because the UNISON representative overtly sided with management when she had to go to disciplinary hearings.<sup>24</sup> Her colleague, Leonardo A. noted about UNISON’s role at the hospital and the way one manager in particular who was a UNISON member would blunt attempts by immigrants workers to seek redress:

“People talk about corruption...They tried to report [to] UNISON and Unite, more of them were UNISON, so was the line manager—she would supersede

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<sup>18</sup> Interview with Leonardo Amin, GMB in May 2012 in Swindon, UK.; Interview with Margaret Okoroafo, GMB in May 2012 in Swindon, UK; Informal interviews with cleaners on May 2, 2012.

<sup>19</sup> Interview with Margaret Okoroafo, GMB in May 2012 in Swindon, UK.

<sup>20</sup> Interview with Leonardo Amin, GMB in May 2012 in Swindon, UK.

<sup>21</sup> Interview with Margaret Okoroafo, GMB in May 2012 in Swindon, UK.

<sup>22</sup> Author attended a May 1, 2012 meeting with GMB officials and cleaners in Swindon, UK

<sup>23</sup> Interview with Margaret Okoroafo, GMB in May 2012 in Swindon, UK.

<sup>24</sup> Interview with Margaret Okoroafo, GMB in May 2012 in Swindon, UK.

our complaints—people complained to UNISON—they would talk to [the] line manager who was [a] member and she would close the matter... We did not hear about Unite until recently.”<sup>25</sup>

The common critique of the other recognized union, Unite, was that it was absent from the workplace. Few knew who the representative was or where the office was located.<sup>26</sup>

As shown in the previous discussion of the problems contracted out immigrant workers dealt with at Great Western hospital in the UK, migrant status compounds workers’ challenges resulting from dualization. One such example explored in detail was the role of language facility. Social isolation afflicted native and immigrant cleaners alike who work for private firms, yet for immigrants, language ability was an additional obstacle to building ties with their co-workers. Privatized workers regardless of origin were more likely to be subject to declines in pay and conditions despite legal entitlements to these benefits. However, cultural exclusion made it harder for immigrant employees to challenge the employer. The following section addresses similar issues for contracted out workers at the Charité hospital in Germany.

### ***Working Conditions for Immigrants at the Charité Hospital in Berlin, Germany***

At the Charité in Berlin, Germany, immigrants working for the private contractor, CFM, faced a number of problems, many of them similar to those faced by their counterparts at Great Western hospital in Swindon, UK. Contracted out immigrant workers struggled with low pay, high work intensity, problems claiming vacation days, accessing training and promotions and bullying. All CFM employees, including immigrant outsiders, lacked a collective agreement (*Tarifvertrag*). With a collective agreement, immigrant workers would have standardized pay, working time and working conditions. Owing to social isolation from native workers due in part to language difficulties, immigrant workers suffered from greater employer exploitation and less solidarity from native workers.

As in the UK case, language featured strongly in immigrants’ ability to improve working conditions. Rank-and-file Ver.di member and CFM employee Kenan Uzundag pointed out about his migrant colleagues that, “most of them speak really bad German.”<sup>27</sup> Strike coordinator Arnim Thomass also noted about migrant employees at the CFM,

“it is often unfortunately the case that they...have only learned enough of...the German language, so that they can do their job...And everything else, um, they find it really hard to understand and to speak.”<sup>28</sup>

Prior to the strike, on a day-to-day basis, language difficulties also made immigrants less likely to stand up to the employer about work intensity and vacation time losses and more reluctant to approach the works council for help. Immigrant organizer Uzundag described his efforts to encourage overworked colleagues to speak to the works council and their inability to do so due to their problems speaking German:

“that is always the problem if you can’t speak German, then you can’t really resist...if someone offers to help you...for 2 years, they complain...I say, ‘Then

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<sup>25</sup> Interview with Leonardo Amin, GMB in May 2012 in Swindon, UK.

<sup>26</sup> Interview with Leonardo Amin, GMB in May 2012 in Swindon, UK.

<sup>27</sup> Interview with Kenan Uzundag, Ver.di in July 2012 by phone.

<sup>28</sup> Interview with Arnim Thomass, Ver.di in July 2011 in Berlin, Germany.

go to the works council!' For the past 2 years they've been saying this, but they are too afraid."<sup>29</sup>

Combined with the economic precariousness of temporary contracts, immigrant employees at the CFM also faced additional fears of losing their contract because they did not understand terms or the rights they were entitled to due to language difficulties. Arnim T. pointed out that for many of the migrants employed at the CFM:

"You ask your colleagues, 'What do you think about that, I heard this?' But can you read legal documents, and really understand the German? That is hard to understand...Or even if you call up the union and you cannot ask the right question."<sup>30</sup>

Immigrant outsiders at the CFM also faced more difficulties building bonds of solidarity with native insiders and outsiders. The lack of language facility among many migrants at the CFM meant that migrants had weak or few social ties with German rank and file members. One informant recognized his privileged position vis-à-vis his other migrant colleagues due to his fluency in German:

"Germans are really like that, if as a foreigner you speak good German, then they treat you really differently from someone who speaks badly...So, I've noticed that the Germans respect you more, tolerate you more, recognize you."<sup>31</sup>

Immigrants, lacking sufficient language skills and occupying low status non-clinical jobs with the private employer, are often invisible to their German colleagues working directly for the public hospital. One informant described the way his German colleagues interacted with cleaning staff as "arrogant" because they did not know the name of the Turkish cleaning lady on the floor, and interacted with her minimally, stating, "You, clean, here."<sup>32</sup> Immigrants' invisibility to Germans made cooperation more difficult to sustain, and indeed, informants described related tensions when the joint strike of public and private employees in May 2011 ended after 1 week: "So now, a lot of CFM colleagues, who took part in May...were disappointed by the Charité colleagues."<sup>33</sup>

On the other hand, native informants employed at the Charité described the tensions in terms of envy felt by CFM workers about the superior pay and conditions at the Charité.<sup>34</sup> In addition, cleavages of ethnicity and nationality made cooperation difficult for outsiders. Not only did informants describe tensions between Germans and foreigners, but also tensions among former East and West Germans as well as among different nationalities. For example, while, Germans tended to be promoted to group leader positions as cleaners, the few Turks who received group leader positions elicited resentment from non-Turks.<sup>35</sup>

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<sup>29</sup> Interview with Kenan Uzundag, Ver.di in July 2012 by phone.

<sup>30</sup> Interview with Arnim Thomass, Ver.di on July 2011 in Berlin, Germany.

<sup>31</sup> Interview with Kenan Uzundag, Ver.di in July 2012 by phone.

<sup>32</sup> Interview with Joerg Hauptmann, Ver.di, May 2012 in Berlin, Germany; Joerg Hauptmann is a pseudonym.

<sup>33</sup> Interview with Kenan Uzundag, Ver.di in July 2012 by phone.

<sup>34</sup> Interview with Arnim Thomass, Ver.di on July 2011 in Berlin, Germany.

<sup>35</sup> Interview with Kenan Uzundag, Ver.di in July 2012 by phone; Interview with Carsten Becker, Ver.di in May 2012 in Berlin, Germany.

Immigrant workers were more vulnerable to intimidation by employers and blocking unions when it came to participating in strike action. Immigrants working at the CFM who continued to go on strike in the Fall of 2011 dealt with employer intimidation. Employer representatives took pictures of strike participants and threatened to fire them.<sup>36</sup> Two CFM employees who participated in the fall strikes were fired, ostensibly for theft, however unofficially, CFM workers believed their dismissal was linked to their role in the protests.

Due to language difficulties, immigrant workers were also susceptible to attempts by Ver.di's competitor union, IG-BAU, to block protests by CFM workers. Although IG-BAU had supported strikes in previous years, IG-BAU representatives did not provide information to members about strike preparation, did not send officials to meetings preparing for the strike and actively tried to prevent people from participating by circulating flyers during the May 2011 strike calling it "illegal" and "a trap."<sup>37</sup> Similarly, at the Charité, immigrant organizer Uzundag used to be a member of the existing union for cleaners, IG BAU, however he decided to switch to Ver.di after IG BAU became unreliable preceding the May 2011 strike. Uzundag noticed that where previously, IG BAU officials had supported the strike, as the demonstration got closer, the union kept cycling through numerous officials, the more recent of whom didn't have any information about the upcoming strike.<sup>38</sup> He also witnessed the fact that IG BAU actively tried not only to block members from striking, but also to prevent the strike from happening, which resulted in their ejection from the committee of strike organizers: "[IG BAU] they even made a flyer about it, "Pay attention, Trap" and "Strike Trap" so don't take part in the strike, I don't know if anyone has ever done that in a trade union, a recognized trade union."<sup>39</sup>

Contracted out immigrant workers at Great Western Hospital in the UK and Charité Hospital in Germany wanted reliable and standardized terms and conditions at work. Both groups tried to achieve this by demanding that the employer either fulfill the terms of individual contracts (GWH) or negotiate a collective agreement (Charité). In both cases, social isolation owing in part to language facility made it more difficult for these immigrant workers to challenge their employers and partner with native workers. Discomfort speaking English rendered many of the Goan cleaners speechless when managers rejected their vacation requests or increased their workload. Likewise, although immigrant workers at the Charité had the right to a voice in workload changes through the works council, many hesitated to participate due to a lack of confidence in their German skills. During each protest, contracted out immigrant workers at both hospitals faced hostile employers and unions. Employers threatened protest participants with threats of dismissal. Local representatives of UNISON in the UK and IG-BAU in Germany tried to stymie strike participants.

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<sup>36</sup> Interview with Noa Bracic, in October 2012, by phone; Noa Bracic is a pseudonym; Interview with Kati Ziemer, in May 2012, in Berlin, Germany.

<sup>37</sup> Interview with Arnim Thomass in July 2011 in Berlin, Germany; Interview with Kenan Uzundag in July 2012 by phone; Interview with Carsten Becker, in May 2012, Berlin, Germany; Interview with Kati Ziemer, in May 2012, in Berlin, Germany.

<sup>38</sup> Interview with Kenan Uzundag in July 2012 by phone.

<sup>39</sup> Interview with Kenan Uzundag in July 2012 by phone.

Despite evidence presented in the preceding section of the heightened vulnerability to employer exploitation faced by contracted out immigrant workers in both public hospitals, immigrant workers and native trade unionists perceived immigrants' unique condition differently across cases. Whereas in the UK hospital case, contracted out immigrant workers and native trade unionists expressed awareness of the extra burden immigrants faced at work owing to social isolation and lack of English language proficiency, neither group expressed a parallel view of immigrant vulnerability in the German hospital case. This failure to perceive the situation of contracted out immigrant workers as immigrants had important ramifications for immigrant mobilization through protest against their working conditions as privatized employees.

### **Identity Templates as an Asset for Immigrant Mobilization Against Dualization**

While immigrant outsiders working for the private contractor at Great Western Hospital in Swindon, UK and at the Charité Hospital in Berlin, Germany both viewed their bad employer as the primary cause of their problems and thought that having a public employer would result in significant improvements in pay and working conditions, a big difference between the two groups was that immigrants in the UK characterized their bad employer as racially discriminatory. Even though immigrant outsiders in both countries faced distinctive challenges as immigrants when resisting their circumstances, only immigrants in Britain linked their struggle to the dominant identity template of race. Immigrants at Great Western Hospital understood their unique vulnerability to employer exploitation as an expression of racism. Immigrants at the British hospital characterized their employer as racist because they had access to broader set of resources to address racism than immigrants in Germany. Whereas disparate treatment of members of one racial group by another racial group counted as racism in the UK, the societal view of racism available to immigrants was much narrower in Germany, referring only to fascists. Another point of contrast between immigrant outsiders in the two countries was that although both groups experienced the indifference of native rank-and-file members to their struggles, only immigrants in the German context expected support from natives, since they had initiated a joint strike and felt disappointed that it was not sustained. Immigrants in the British context did not expect native rank-and-file co-workers to support them because they did not view natives as having the same interests.

Informants at Great Western Hospital consistently attributed their problems at work to racial discrimination on the part of the employer. Margaret Okoroafo identified the reason her supervisor bullied her was that her supervisor was a racist:

“I found out that she’s a racist, really...Well, because, when I had that problem... [there are] just the two of us that are dark, really dark skinned, not Indian. She [the manager] had a clash with that other one as well.”<sup>40</sup>

Another informant characterized the disparate treatment immigrants experienced at the hands of managers as due to religious and racial discrimination. In his view, the fact that the mainly Goan-origin immigrant cleaners and catering staff were unable to take Christmas vacation, qualified as “discrimination based on belief.”<sup>41</sup> Furthermore, when asked if he thought working conditions would be better if the cleaners and catering staff

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<sup>40</sup> Interview with Margaret Okoroafo in May 2012 in Swindon, UK.

<sup>41</sup> Interview with Leonardo Amin in May 2012 in Swindon, UK.

worked for the public employer rather than the private contractor, the informant stressed that the absence of “racial discrimination” in addition to no longer having to pay bribes in order to go on vacation as characteristic of the public sector vis-à-vis the private sector.<sup>42</sup> Not only did immigrants interpret their problems with the employer as due to racism, British union officials shared this interpretation. At a strategy meeting between GMB local officials and immigrant cleaners, Andy Newman described Carillion’s decision to sanction one of the cleaners and not sanction a manger as “racial discrimination or trade union discrimination” since the manager in question had demanded bribes from the cleaners.<sup>43</sup>

On the other hand, although immigrant outsiders in the German context confronted employer mistreatment, they did not attribute it to discriminatory behavior from the employer. One informant claimed discrimination was not an issue at the workplace.<sup>44</sup> Another informant also stated specifically “direct discrimination” was not a problem at work, although he did allude to ethnic resentment between Germans and Turks about access to promotion. Still, the informant more readily characterized difficulties between different groups as characteristic of the fact of a diverse workforce as opposed to hierarchy and disparate treatment for different groups:

“So, you notice, there are certain groups so, on one side the Germans, the foreigners on the other side, there are many kinds of foreigners...there is a little back and forth...there are problems between the Germans, between west-Germans and east-Germans, so that, actually, everyone is affected and everyone plays a role so that is why I wouldn’t say that just one group is affected.”<sup>45</sup>

For the most part, native union officials and strike organizers made assessments similar to immigrant informants on the role of employer discrimination. One informant claimed that discrimination was not possible among people who worked in the health sector because of their high moral standards.<sup>46</sup> Another informant identified “racism” solely as a problem among employees with “fascist” tendencies, not the employer.<sup>47</sup> Williams, a German works councilor stated that he had never come across employer maltreatment of employees because of their migrant background or dealt with disputes among employees due to discrimination. At the same time, he admitted that some Turkish colleagues thought Germans did treat them badly for that reason, but he stressed that he did not view that as the real reason, rather work conditions were the real reason.<sup>48</sup> A single informant suggested that the employer sought out immigrant employees because their vulnerability made them more likely to accept low pay:

“I have the impression that they were hired especially because one knew that one only had to pay them a little bit because they don’t speak German...I am not saying that this is a big problem in general with the CFM but I do want to

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<sup>42</sup> Interview with Leonardo Amin in May 2012 in Swindon, UK.

<sup>43</sup> Author attended May 1, 2012 meeting with GMB officials and cleaners in Swindon, UK.

<sup>44</sup> Interview with Noa Bracic, October 2012 by phone.

<sup>45</sup> Interview with Kenan Uzundag in July 2012 by phone.

<sup>46</sup> Interview with Stephan Gummert in May 2012, Berlin, Germany.

<sup>47</sup> Interview with Carsten Becker in May 2012, Berlin, Germany.

<sup>48</sup> Interview with Aaron Williams, in August 2012, by phone.



say that in certain instances unfortunately, this is happening. One has to be a little careful with what one says."<sup>49</sup>

Why did immigrant members and native union officials in Britain more readily interpret the problems immigrant workers had receiving fair treatment from the private contractor as due in part to racism? Why did both immigrant informants and union officials in the German case largely dismiss racism by the employer as part of the reason for the lack of a negotiated contract? British informants had a broader definition of racism and racial discrimination. They characterized disparate treatment by employers of one race, of employees of a different race, as racism. German informants had a narrower definition of racism. For both immigrants and Germans, racism corresponded with fascism. Fascists treat others unequally based on race. As the employer could not be characterized as having fascist sympathies, disparate treatment did not count as an expression of racism.

Another point of contrast between immigrant informants in Britain and in Germany was that although both faced indifference from the native rank-and-file union members regarding their struggle, informants in Germany were disappointed by this indifference whereas informants in Britain were not. After cooperating with German employees of the Charité in a week-long strike for improvements in pay and conditions, immigrant employees at the CFM were not only dismayed by the collapse in solidarity, once the Charité employees received most of their demands and went back to work, they were troubled by why the collapse happened. Immigrant informants talked about how what motivated the CFM employees was the idea of "everybody together" demonstrating in order to improve pay and working conditions.<sup>50</sup> Turnout for the initial week long strike was high with several hundred participants from the CFM joining a few thousand Charité care-workers, despite union and employer intimidation. Yet, when German Charité employees received most of their demands and returned to work after a week, immigrant CFM workers felt abandoned by their colleagues because in their view the best chance they had at getting a contract with the CFM was the support of their Charité colleagues:

"but why they left the CFM hanging, that's something I still don't understand...we had everything within our grasp, we could have pushed for and implemented things at the CFM, but we rejected that. Above all, the Charité and CFM together...but then Charité got such a great offer, that the CFM, that's the feeling I have, was left behind, so then, listen, they thought...we'll get to the CFM next week."<sup>51</sup>

Immigrant CFM employees had the sense that their demands were a lower priority than those of the German Charité employees for the strike organizers and rank-and-file members at the Charité. Immigrant CFM workers' sense of abandonment affected their ability to mobilize fellow CFM colleagues to continue strike action. In September, when immigrant workers at the CFM took to the streets again, less than 100 people participated and even fewer Charité workers joined them. Social ties between German Charité employees and immigrant CFM workers generated in the run up to and during the joint strike were weakened by the experience of abandonment. One immigrant informant

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<sup>49</sup> Interview with Arnim Thomass in July 2011 in Berlin, Germany.

<sup>50</sup> Interview with Noa Bracic, in October 2012, by phone.

<sup>51</sup> Interview with Kenan Uzundag in July 2012 by phone.

described his fellow CFM colleagues as angered by the lack of support from Charité coworkers.

“now, a lot of CFM colleagues, who took part in May, who were let down by the Charité colleagues...they say, ‘Yes, how long [did we?] uh, strike with them, support them and everything, now they’ve left us high and dry,’ ... and now the Charité coworkers come who say, ‘Yes, you all from the CFM, you are jealous,’ you hear things like that...I have the feeling that many CFM colleagues are rather, somehow, uh, mad, ... Yes, and, emm, you notice with the Charité coworkers that, uh, well, I could be wrong, but most of them don’t care. So what ever happens to the CFM is well, that’s my feeling.”<sup>52</sup>

Native insiders had a very different view of the collapse of the joint strike. At base, it was a risky endeavor for German Ver.di activists to undertake, because they were dealing with two different employers and two sets of demands and the probability was high that they would not be able to achieve both. In their view, German strike organizers did not think it was reasonable to ask native rank-and-file members to remain on strike, after they had received their specific demands. They didn’t see their job as to convince German rank-and-file members of the importance of solidarity with the immigrant rank-and-file members at the CFM, nor did they view their task as to address the concerns of rejected immigrants other than by stressing the challenge to making demands to two employers at once.

Native rank-and-file union members were indifferent to the struggles of immigrant outsiders at Great Western hospital in the UK. Few native employees attended the one-day strikes, or public meetings addressing immigrant workers’ plight and demands.<sup>53</sup> However, immigrant workers also did not expect solidarity from British insiders or outsiders. Rather immigrant outsiders knew and accepted that British insiders and outsiders had different interests. When asked if they received support from British workers, immigrant informants noted that few British co-workers participate: “I just feel you can count, how many...because they get away with what they want.”<sup>54</sup> Their interests differed because, whereas immigrants have trouble getting the private employer to stick to the terms of their individual contracts governing overtime and vacation, and were subject to bullying and extortion, neither British outsiders working for the private contractor nor British insiders employed directly by Great Western hospital have had these experiences with their employer.<sup>55</sup> Immigrant outsiders at Great Western hospital in the UK differed from their German counterparts at the Charité in another significant way, they had an explanation for why they experienced disparate treatment—due to their group membership as non-whites.

Certainly, the indifference of native rank-and-file members, insiders and outsiders, did make it less likely that immigrant outsiders achieved their demands. But what should be underscored is that the distinct reaction of immigrants in Britain has important implications for sustaining activity and participation in the union. Because immigrants in the UK had an explanation for why they have been experiencing disparate treatment from the private employer—racial discrimination—, they were able to take the initiative in

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<sup>52</sup> Interview with Kenan Uzundag in July 2012 by phone.

<sup>53</sup> Confirmed by author attendance at a demonstration and 2 public meetings on May 2 and May 16, 2012.

<sup>54</sup> Interview with Margaret Okoroafo in May 2012 in Swindon, UK.

<sup>55</sup> Interview with Leonardo Amin in May 2012 in Swindon, UK.

approaching native union elites for help and set the terms of that partnership. Immigrants in the UK didn't expect help from their British colleagues since they are not experiencing racial discrimination. On the other hand, immigrants in Germany did not have a group-based understanding of either why their employer treated them badly or their native co-workers didn't sustain their support, they did not have a concept of what cross-ethnic cooperation would look like and did not approach native union elites to help remedy their concerns. The point is not that immigrants in the hospital in Germany should have adopted racial discrimination as the explanation of their difficulties with the employer, but that developing some group-based explanation of their status, and linking it to the dominant identity template in Germany has important implications for the type of partnership immigrant workers can have with native union elites and native rank-and file union members.

### **Harnessing Identity Templates for Mobilization and Partnership**

Immigrant activists were important because they were key to facilitating the incorporation and participation of immigrant rank-and-file members in unions. Immigrant activists at Great Western hospital successfully mobilized their colleagues in protest against the private employer Carillion because they developed an explanation for the problems they faced which they linked to the British identity template of race. Armed with this group-based explanation, they were able to approach native activists at an external union and set the terms for cooperation. This role for immigrant leaders contrasted greatly with that of immigrant activists at the Charité hospital in Germany. Immigrant leaders there did not develop an explanation linked to the German identity template of constitutional patriotism for their struggles with private contractor CFM and did not initiate a partnership for protest with the external union, Ver.di. Rather, Ver.di set the terms of the partnership.

Since Leonardo Amin, Carlos Sah, Margaret Okoroafo, Noa Bracic and Kenan Uzundag all became the activists among the immigrant workforce in facilities management at their respective hospitals, it is worth exploring why activists at one hospital developed a group-based explanation and the other group did not. All the immigrant activists were active in the union as a result of their own personal difficulties with the private employer, their knowledge of other's bad experiences and role as confidant, and through mutual persuasion.

I identified immigrant activists at Great Western hospital and the Charité through referrals from co-workers and union officials, by observing the named activists in group settings and checking media coverage of the protests. Both union officials and rank-and-file GMB members identified Amin, Sah and Okoroafo as activists among the immigrant workforce employed by private contractor Carillion at Great Western Hospital. Similarly, interviews with strike organizers from the Charité, perusal of Ver.di documents on the CFM and media coverage of the joint strike allowed me to identify Uzundag and Bracic as lead immigrant activists at the CFM. Several of the cleaners at Great Western hospital confided in Amin, Sah and Okoroafo about their problems at work. The activists, together with GMB officials, encouraged more than a hundred of their colleagues to file a group complaint detailing maltreatment by management including "bullying, harassment and discrimination" in December 2011 (Bond 2012c). At the Charité, immigrant co-workers

also turned to Uzundag and Bracic for advice about problems working for the private contractor, the CFM. Uzundag's colleagues came to him primarily with complaints about work intensity and the pressure they were under to clean large areas of the hospital in decreasing amounts of time.<sup>56</sup>

Immigrant activists at both hospitals were also able to serve as a resource for their colleagues because they could draw on their past experiences at other jobs and model rights-based interactions with the employer in a hostile employer context. Amin, Okoroafo and Uzundag had worked for other employers who had transparent policies on work conditions, and followed them. Amin had previously worked in the British hotel industry, Okoroafo had worked in an office in Oxford, while Uzundag had worked for the German Post Office, the Berlin Senate Administration as well as in construction. Drawing on his prior experience, Amin turned to existing rules in order to counter the problems caused by the managers. He filed grievances for bullying and harassment and he requested union representation during disciplinary hearings. Similarly, whenever managers verbally contradicted or appended existing human resources policy, particularly in the case of denying leave, Okoroafo would ask why and then offer to appeal her request in writing to a higher level of Carillion management. In addition, when CFM employers tried to increase the work intensity for his working group by reducing the number of people in his team and reducing their vacation days, Uzundag and his colleagues refused to comply with the employer and succeeded in preventing the changes from taking place.

While mobilizing their co-workers for strike action in the spring of 2012, Amin, Sah and Okoroafo reiterated the phrases of 'respect' and 'dignity' as central to their cause. Amin pointed out that this was what the workers on strike wanted out of it not an increase in salary. The activists articulated the idea that the workers had a right to respect, and that they deserved it from management. In addition to making the idea of respect part of their empowerment, the activists also had to reconceive of the manager-employee relationship as one built on something other than fear and hierarchy. Okoroafo went as far as to say that managers had to earn respect from her:

"No matter what you are, even if you are the manager, you've got to be nice, you've got to be polite, otherwise, if, you see, you're not nice, I won't be nice, don't expect—I tell them respect is reciprocal."<sup>57</sup>

Although, objectively the immigrant employees depended on their work for their livelihoods in a way that managers did not, due to their low status and salaries, the activists also had to recast the relationship of the immigrant employees to their jobs in a way that would make protest possible. Whereas a common refrain among workers was, "I can't lose my job, there are no jobs, I should be grateful," Okoroafo said to her co-workers, "This is hard work, it's hard to find people to do this hard work, for so little money, they [the managers] should be glad to have us. No British people want do this work."<sup>58</sup> Rather than accepting the discourse from management about the scarcity of jobs and the threat of economic distress for workers who will be fired if they get out of line, Okoroafo talked about the difficulties management will have hiring new people because they do not pay

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<sup>56</sup> Interview with Kenan Uzundag in July 2012 by phone.

<sup>57</sup> Interview with Margaret Okoroafo in May 2012 in Swindon, UK.

<sup>58</sup> Informal interview at May 2, 2012 public meeting at Jury's Inn in Swindon, UK.

enough and that the largest pool of workers—the native-born British—does not want to work under the conditions management has to offer.

At the Charité hospital in Germany, the immigrant activists, Uzundag and Bracic, shared many characteristics with their British counterparts such as having had personal difficulties with the employer, receiving confidences from their co-workers and relying on mutual persuasion to get their co-workers involved. Yet neither Uzundag nor Bracic developed a group-based explanation of the difficulties fellow contracted out employees endured with their private employer and when they attempted to partner with German colleagues to improve working conditions.

There were a number of reasons Uzundag and Bracic were unable to do so. The first was that these immigrant activists were organizing in a more diverse context than the immigrant leaders in the UK. Although immigrants made up at least 50 percent of the contracted out groups in both settings, the existence of a dominant group—Goans—who socialized with each other outside of work at church eased the challenge of building cohesion at Great Western hospital in the UK. Not only was there no dominant group at the Charité in Germany, but there were ethnic rivalries among the different groups and a general lack of collegiality and distrust. Both CFM and Charité activists noted that CFM employees came from all over the world, including Turkey, Poland, Nigeria, and the former Yugoslavia. Some contracted out employees were recent arrivals whereas others had spent most of their lives in Germany.<sup>59</sup> As mentioned earlier in the chapter, these groups often participated in ethnic resentment towards each other regarding assignments and promotion. In addition, there was also fragmentation within the ethnic groups that contributed to lack of cohesion. For example, when Uzundag described intimidation by managers of the private firm, CFM, he noted that some fellow co-workers, who wanted to curry favor with the employer and get promoted, also contributed to the climate of bullying without being told to do so by managers.<sup>60</sup>

Most importantly, neither Uzundag or Bracic developed a group-based explanation of why contracted out immigrant workers struggled with poor working conditions and did not partner effectively with co-workers from the Charité. Immigrant activists at the Charité viewed the buildup to cooperation between native workers from the public employer and contracted immigrant workers as a time when natives recognized unrealized capacity among them for protest against their working conditions. Immigrant activists saw native union activists as the primary catalysts for and initiators of the mobilization, rather than themselves. With the onus for agency on the native union activists from the Charité, immigrant activists did not develop a shared reason for challenging their employer.<sup>61</sup> After the native workers at the public employer achieved their demands, and support for contracted out workers collapsed, immigrant activists then could not generate an alternative explanation for why that had happened. Bracic accepted the rationale given by native activists at the public employer, namely that bringing two different employers to the table had been a risky endeavor from the start. On the other hand Uzundag did not accept

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<sup>59</sup> Interview with Stephan Gummert in May 2012 in Berlin, Germany; Interview with Kenan Uzundag in July 2012, by phone; Interview with Arnim Thomass in July 2011 in Berlin, Germany; Interview with Noa Bracic, in October 2012, by phone.

<sup>60</sup> Interview with Kenan Uzundag in July 2012, by phone.

<sup>61</sup> Interview with Kenan Uzundag in July 2012, by phone.

that explanation, questioned the commitment of his native co-workers at the public employer, yet also did not have an answer that could be a source of empowerment for contracted out immigrant workers.

### **Achieving the Outcome of Improved Working Conditions in UK Unions**

Owing to mobilization around a shared identity, contracted out immigrant workers at the UK hospital achieved the outcome of improved working conditions that eluded immigrant workers at the German hospital. After mobilizing themselves as non-whites against the racism of the private employer, Carillion, immigrants in the UK set up durable partnerships with native trade unionists and successfully gained support from union leadership and pushed for improved working conditions. Achieving improved working conditions also fostered a sense of empowerment among immigrant trade unionists. Empowerment included immigrants' perception that they have made gains and are likely to make additional gains, and an increase in active union participation, such as in the number of representatives. The main indicator of immigrants' durable partnership with native trade unionists was the increase and deepening of cooperation over the course of the protest, and gaining the attention of the top of the union hierarchy. Immigrants also received some of their demands about working conditions after protesting.

In interviews and observations of contracted out immigrant workers from Great Western Hospital, informants expressed the view that they were on an upward trajectory in terms of getting the employer to acknowledge and address their demands. Before protest actions began in January 2012, none of the contracted out workers were union reps. Over the course of four months of protest, three activists<sup>62</sup> emerged and began training to become GMB union reps. Immigrant workers at Great Western Hospital also succeeded in establishing a durable partnership with native trade unionists. As mentioned in an earlier section of this chapter describing the hospital cases, contracted out immigrants at Great Western Hospital were on strike for 21 days in the first half of 2012. Interspersed among these strike days were also strategy sessions and public meetings between immigrant workers and native union activists. Together, immigrant workers with the aid of GMB officials also filed 57 cases with the Bristol Employment Tribunal (Millet 2012). Immigrant workers were also able to gain the attention of union leaders located outside their locality. Paul Maloney, national officer of the GMB attended strategy events and public meetings for the contracted out immigrant workers in May 2012 and invited them to attend the GMB annual congress in June 2012 (BBC 2012).<sup>63</sup> These actions signified the stability of the partnership between immigrant workers and native GMB trade unionists. Contracted out immigrant workers also succeeded in getting some of their demands addressed. One of the managers who engaged in discrimination and extortion resigned as a result of the protests (Bond 2012b). Informants also confirmed that the employer also granted many of the outstanding vacation requests.

In contrast, privatized immigrant workers at the German hospital were unable to achieve a durable partnership with native unionists or the outcome of improvements in

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<sup>62</sup> Leonardo Amin, Carlos Sah and Margaret Okoroafo were the three immigrant leaders who began training as union representatives.

<sup>63</sup> Maloney's attendance confirmed by author attendance at 2 public meetings on May 2 and May 16, 2012.

working conditions. During interviews, both native and immigrant informants from the Charité expressed doubts as to whether contracted out employees at the CFM would be able to achieve any of their demands. As documented in previous sections of this chapter, immigrant workers had few hopes of obtaining a collective agreement from the CFM. Similarly, none of the contracted out immigrant workers decided to become new union representatives after the week long May 2011 protest. In terms of the stability of the partnership between privatized immigrant workers and native trade unionists, immigrant employees expressed disappointment at their abandonment by native trade unionists and members at the public employer, the Charité. Protest events in the Fall of 2011 had significantly fewer participants than the initial May 2011 strike, signifying the weakness of the partnership. Both native and immigrant informants confirmed that going on strike had not resulted in any gains for contracted out immigrant workers, mainly due to the CFM's refusal to sign a collective agreement.

## **Conclusion**

With the contextualization and discussion of these two cases of hospital privatization, this chapter has shown how immigrants can serve as a bulwark against declining work conditions due to job marginalization or dualization. In both the UK and Germany, politicians selected the same policy solution—contracting out—to address financial challenges faced by public hospitals. In so doing, contracting out had detrimental effects on working conditions and the organizing abilities of unions. Critically for this chapter, although immigrant workers disproportionately experienced the detrimental affects, their disadvantaged position offered unique potential for resistance.

Great Western hospital in the UK and the Charité hospital in Germany were both average candidates for privatization and sites of union fragmentation. Yet, although immigrants formed at least 50 percent of the contracted out staff in both hospitals and suffered from the same problems such as employer intimidation, lack of standardized pay and conditions and lack of language fluency, only immigrants in Britain successfully mobilized to improve their situation. Privatized immigrant workers at Great Western hospital developed a shared identity around race that resonated with history, laws, policies and organizations present in the UK. Immigrant activists linked their specific struggle at Great Western hospital to the pre-existing identity template of race and developed an explanation of their troubles at work that faulted shared discrimination as the source of their problems. In possession of a group-based identity, British immigrants were able to set the terms of their partnership with native union activists and withstand the lack of sustained support they received from native rank and file members working for the public employer. Immigrant activists at Great Western hospital played a key role in linking mobilization to the dominant identity template of race in the UK owing to their role in furthering cohesion among the contracted out workers by serving as confidants and modeling empowering interactions with the employer.

Contracted out immigrant workers at the Charité in Germany lacked a shared identity of any kind. While immigrant leaders also served as confidants to their colleagues, and modeled alternative interactions with the employer, they did not take the step of developing a common identity that resonated with the central identity template in Germany of constitutional patriotism. Because they lacked a collective identity, immigrants

in Germany were unable to set the terms of their partnership with native union activists, or explain why rank and file German union members abandoned them after a short-lived period of cooperation.

Although the Charité's more diverse group of contracted out immigrant workers made it difficult for the leaders to build cohesion, it is important to note that immigrant diversity is not sufficient as an impediment to mobilization. A key immigrant activist at Great Western hospital, Margaret Okoroafor, did not share Goan ethnicity or fluency in Konkani, yet was able to lead effectively. Similarly, when the partnership between the German workers at the Charité and immigrant workers at the CFM broke down, Uzundag and Bracic were not more successful mobilizing co-ethnics to continue to protest. Rather in these cases, the presence or lack of an identity was decisive for mobilization.

How does the successful mobilization of contracted out immigrant workers at Great Western Hospital in the UK matter for the persistence or decline of labor unions as institutions of political economy? What are the implications of the failed mobilization of privatized immigrant workers at the Charité Hospital in Germany? Recent research on dualization has highlighted the shrinking ability of unions active in core sectors of the economy to extend high standards of working conditions to peripheral sectors, particularly in coordinated market economies. This chapter demonstrates that there are racial and ethnic dimensions to unions' shrinking ability to extend working conditions. I have shown that contracted out immigrant workers are especially vulnerable in coordinated and liberal settings. Social isolation and the lack of host country language fluency render them both more exploitable by employers and less able to ally with native workers. The problem facing unions active in core sectors is of a different order of magnitude when peripheral workers are primarily of immigrant origin rather than native.

At Great Western Hospital, GMB's readiness to embrace immigrant mobilization around race and to support claims-making in immigrants' dispute with the private employer served the union as an organization. In this way, it expanded its membership to a group who otherwise might not have joined and extended its own organizational identity to include racial justice. At the Charité Hospital, immigrants' lack of a shared identity and the inability of native trade unionists to recognize immigrants' vulnerability as immigrants weakened Ver.di. Paradoxically, by accepting the narrative of class solidarity, contracted immigrant workers received lower priority and ultimately their interests were not addressed. Charité-based Ver.di left contracted out immigrant workers with a negative experience after the May 2011 strikes, making it more difficult to attract members from that group in the future.



## Chapter 7. Conclusion and Implications Beyond Unions

### Introduction

This dissertation has explained the conditions under which unions will extend their solidarity to new groups. I have argued that immigrant activists in unions have to mobilize themselves, then build partnerships with native trade unionists in order to pressure union leaders to support immigrants' claims. I have shown that in order for immigrants to succeed in securing pro-immigrant action from unions, however, immigrants must reference identities resonant with the specific national settings where they reside. Immigrant activists in the UK demanding that unions rein in the far right, tackle discrimination and resist job marginalization turned repeatedly to the relevant identity template in Britain—race—and succeeded in their efforts. In contrast, immigrant trade unionists in Germany who wanted union support on these same issues experienced failure in the areas of discrimination and job marginalization due their lack of a resonant mobilizing identity. When immigrant activists in Germany deployed the corresponding identity template of constitutional patriotism in making demands of unions to restrict the far right, they did gain union support. For the shadow case of Denmark, I showed how immigrant activists seeking union action to address discrimination failed owing to an absence of native trade unionists or lack of mobilization by immigrants.

My research on the critical role of identity in immigrant mobilization and subsequent union support does not reject earlier arguments about the centrality of material considerations to union decisions to expand solidarity. Two prominent literatures illustrate how materialism drives inclusion in unions. Building from the empirics of weak union settings in the Anglophone world, the literature on union renewal posits that unions build solidarity with immigrants because they need members. A perspective heavily influenced by the challenges faced by strong, coordinated unions in Germany and Scandinavia, the dualization literature, argues that unions lack incentives to come to immigrants' aid because immigrants work in peripheral non-unionized sectors. My work shows that immigrants who are already members of strong, coordinated unions as well as weak, fragmented unions can make ideological and identity based claims as well as materialist ones. Regardless of the substantive content of immigrants' claims, I show that immigrants wield considerable creative and interpretive ability in defining their claims as ones that align with ideological or material or both interests of unions. Immigrants do have to refer to the prevailing identity template of the nation as they make their appeal, and when they do, they can succeed.

The remainder of this chapter revisits the theoretical underpinnings of the concept of the identity template as catalyst for successful mobilization by immigrant activists seeking support from union leaders. I then turn to the implications of my argument for immigrant activists in civil society.

## **Summary: The Argument in Brief and Key Findings**

### ***Identity Templates***

The argument put forward by this dissertation hinges on the role of resonant identities as critical for immigrant activist success at eliciting pro-immigrant action from union leaders. I developed the concept of the *identity template* in order to explain both the content of a resonant identity and the ways in which identity can enable and limit self-mobilization and partnership with native allies. Identity templates form the scope of identities from which immigrants can draw for the purposes of contemporary mobilization. Identity templates reflect nationally distinct past struggles for inclusion as crystallized during the periods of colonialism and Nazism. Whereas contemporary immigrants in the UK can access race as a mobilizing identity owing to Britain's experience with colonialism and Nazism, immigrants in Germany and Denmark cannot.

### ***The Availability of Race in the UK***

Thus far I have shown how the identity template of race developed in response to the end of overseas imperialism. After the Second World War, native British people including many trade unionists greeted immigrants from former colonies with violent hostility and social exclusion. The state responded by passing anti-discrimination legislation and strengthening border controls. Past mobilizations based on race and the resultant policies are available as a resource for current-day migrants. The identity template in Germany is constitutional patriotism. In contrast to Britain, as Germany relinquished its colonies prior to worldwide independence movements, former imperial subjects have not initiated the redefinition of race as a positive impetus for mobilizing. Danish colonial history and legacy of anti-fascism has also limited the potential for race as a mobilizing identity for contemporary migrants. The absence of post-colonial migrants meant that such migrants did not reclaim race as a legitimate identity. At the same time, Danish resistance to the Nazis during WWII and the evacuation of Danish Jews also served to remove race from the mobilizing equation. Not only is racial identity viewed as primarily and intimately connected to Nazism, Denmark's role in WWII effectively silences discussions of racism and race as a basis for mobilization.

### ***Benefits or Threats to Unions' Ideological and Material Goals***

The claims immigrant activists make on union leaders are analytically important as the content of their claims could be construed as beneficial or threatening to unions' organizational position. After mobilization, immigrant activists tasked themselves with making the pitch to native trade unionists for partnership on the basis of ideological and or material benefits that unions stood to gain. On the other hand, native trade unionists had to weigh immigrant activists' appeals, sometimes concluding that immigrants' claims conferred net losses for unions. While confronting the far right fits with union ideology against fascism, unions stood to lose far right union members. Whereas addressing discrimination would appeal to member and non-member immigrants and corresponds with union

values of solidarity and equality, addressing discrimination could alienate those who view migrant origin as legitimate grounds for discrimination. In like manner, resisting dualization offers benefits to immigrant and natives in unstable poorly paid jobs whether organized by unions or not, and could aid in the recruitment of new members. At the same time, unions risk damaging relationships with members who view immigrant workers in low wage peripheral employment as deserving of their situation.

### **Confronting the Far Right**

When immigrants demand that unions confront far right parties and movements, this constitutes primarily an ideological claim. As I showed in Chapter 3, central to the ideology of the far right is a view of immigrants as a cultural and economic threat to national purity and cohesion. In practice, once far right parties occupy elected office, they seek to restrict immigrants' claims to jobs, social welfare and access to the territory. Immigrant activists want unions to challenge the far right view of immigrants at work and in the community.

This chapter examined immigrants' efforts to secure pro-immigrant action on the far right. I analyzed far right activity at the local level in the UK and Germany, discussed far right support in the localities supplying laborers and at the site of two plants. Then, I turned to union efforts to move beyond the ongoing accommodation of far right members. The next accomplishment of the chapter was to trace the two measures of the dependent variable, education and expulsion. For the UK case, I focused on general education efforts of TUC and TUC member unions through union educational hub, Unionlearn. Courses and workshops by TUC member unions underline for those enrolled in the course the view that the far right is a danger to labor unions. For the German case, I discussed educational programs such as *Die Gelbe Hand* (The Yellow Hand), pursued by the DGB and DGB member unions to inform members and communities about the far right threat to democracy.

This chapter also chronicled and analyzed the achievements of pro-immigrant action by unions on the far right. In both the UK and in Germany, immigrant activists at Ford manufacturing plants succeeded in developing mobilizing identities linked to the prevailing identity template, then establishing partnerships with native trade unionists before finally securing union support for their concerns about the far right. In the case of the UK, immigrant activists mobilized and pressured union leaders at the TGWU and the TUC to sanction another union, URTU, with *expulsion*. The specific point of dispute regarded the fact that native trade unionists at URTU expressed far right views on immigrants and prevented immigrant trade unionists from accessing well-paid trucking jobs. Immigrant activists linked their demands to the prevailing identity template of race. Not only did activists claim they were shut out from trucking jobs due to their phenotype as black, they demonstrated that discrimination practiced by URTU members was rooted in far right views of racial hierarchy.

In the case of Germany, immigrant activists mobilized to push union leaders to engage in a protest that constituted an expansive *education* campaign against the far right group, Pro Cologne. Immigrant activists wanted union leaders to confront

Pro Cologne for its xenophobic and Islamophobic opposition to mosque construction in Cologne. Immigrant activists mobilized themselves at work and in the community by linking their demands to the constitutional value of freedom of belief. By casting themselves as defenders of the postwar German constitution and adherents of constitutional patriotism, immigrant activists forged alliances with native trade unionists and convinced union leaders to attack Pro Cologne and support mosque construction in Cologne.

A key difference between the two successful cases of pro-immigrant action on the far right was that in the UK, immigrant activists could rely on the person of Bill Morris, the first black general secretary of the TGWU union, to amplify the activists' concerns beyond the plant and the local union, to the regional and national political stage. Immigrant activists in Germany lacked a corresponding co-ethnic advocate leading a national trade union.

### **Addressing Discrimination**

In Chapter 4, I examined the efforts of immigrant activists to gain union leaders' support in addressing workplace discrimination. After summarizing scholarly evidence for discrimination against immigrants in European labor markets, the chapter critiqued the assumption in much of the literature that discrimination is less of a concern for immigrants after employment. I then posed the question of what immigrants experience on the job after they are hired. I identified three strategies unions have used to address discrimination experienced by employed immigrant members, *acknowledgement*, *policy adoption* and *implementation*. By *acknowledgement*, I referred to the degree to which unions publicly affirm that discrimination is an issue for immigrant members. *Policy adoption*, signifies whether unions have adopted a policy that addresses workplace discrimination. In terms of *implementation*, I considered if unions engaged in monitoring to be sure that anti-discrimination policy is implemented.

I investigated the view that for immigrant and native trade unionists alike, discrimination and a lack of anti-discrimination policy can harm both given that discrimination weakens ties among members. I also assessed the different rationales in support of discrimination and against anti-discrimination policy. While the enforcement of anti-discrimination policies corresponds with unions' ideological commitment to solidarity and equality, some native trade union members may view discriminatory practices against immigrants in the labor market as unproblematic. Native trade unionists must also weigh potential losses of conservative members should the union become too vigorous an advocate for immigrants.

The national landscapes of anti-discrimination policy vary across my country cases, as German and Danish trade unions tend to lack discrimination policies, but British unions have them. My study, however, presented evidence that the failure of immigrant activists to secure anti-discrimination policy resulted from the absence of one or more stages in the process resulting in pro-immigrant action by unions on discrimination. Namely, where immigrant activists were either unable to mobilize themselves or link their grievances to a prevailing identity template, they struggled to gain union leaders' support for anti-discrimination policy.

While this chapter discussed the few instances where immigrant activists in European unions compelled acknowledgement of discrimination from native union leadership, it also examined examples illustrating the failure of immigrant activists to attain anti-discrimination policy set-up and policy implementation by unions. While immigrant activists developed and articulated a shared identity, they have often struggled to find allies among native co-workers who can then aid in getting unions to acknowledge discrimination occurs, develop policies to address it, and then to implement anti-discrimination policies.

### **Resisting Dualization**

As citizens and businesses pressure governments to lower tax rates while demanding increased services, politicians have searched for alternative means of public financing. Beginning in the 1990s, government officials administering public hospitals turned to privatization as a policy solution for their financing needs. For workers, privatization has often resulted in the contracting out of formerly public employees to private contractors. As contractors generally are not required adopt collective bargaining relationships that unions have had with the former public employer, unions experience an erosion of influence in workplaces that have multiple employers after the advent of privatization. Union members also experienced a decline in pay and working conditions as those departments remaining under the aegis of the public employer and bound to a collective agreement have one set of pay and conditions, while union members in newly privatized departments have another set of pay and conditions. This context presents unique challenges to native – immigrant partnership undertaken to secure pro-immigrant action from union leaders.

My two-part treatment of pro-immigrant action by unions on dualization or job marginalization provides decisive evidence of the study's argument. In Chapter 5 I examined the neoliberal context for decision-making by native trade unionists over whether to ally with immigrant activists in the public sector. The point of providing the broader context of the increased marketization of state functions was that it served as the analytic backdrop to the two in-depth case studies of immigrant protest in public hospitals detailed in Chapter 6. Chapter 5 investigated the economic vulnerability of diverse immigrant groups in the UK and Germany, the phenomenon of union fragmentation in both settings, the use of privatization as a policy solution and the bipartisan nature of support for privatization. I demonstrated how privatization put pressure on unions to defend the scope of collective bargaining. In this tense situation, native trade unionists may view the overrepresentation of immigrants in low wage positions created by privatization as the cause of unions' declining position. I also highlighted the intriguing role of race in neoliberal processes. While immigrant activists can utilize race as a resource in the UK, some native trade unionists may be unresponsive to mobilization around race owing to prejudice.

The analysis presented in Chapter 6 demonstrated how immigrant activists at a British hospital succeeded in gaining the support of union leaders to improve their pay and working conditions. They did not succeed in achieving reintegration of

facilities management into the public sector or increased mobility into more stable positions. Not only did immigrant activists mobilize in harmony with the British identity template of race, they convinced native trade unionists of the merits of their claims and established durable partnerships that resulted in support from the leadership of the GMB union and subsequent actions to pressure Carillion management to respond to immigrant activists' demands. Immigrant activists at the German hospital failed in gaining the support of union leaders to improve their pay and conditions or any other outcome. This failure stemmed from immigrant activists' inability to develop any shared identity for immigrant members much less one actively linked to the German identity template of constitutional patriotism. Without effective mobilization, the partnership between immigrant activists and native trade unionists collapsed after a brief period of collaboration. Had immigrant activists first established a resonant identity and mobilized themselves and then initiated an alliance with native trade unionists, immigrant union members would have been more likely to achieve improved pay and conditions at work.

By focusing on the efforts of immigrant workers as a vulnerable group overrepresented in low wage work created by privatization, my hospital case studies provided key insights about the possibilities for unions to resist dualization more broadly. Successful immigrant mobilization that follows the stages detailed in my argument can serve to reverse trends against expanded dualization for the following reasons: Gains made by immigrant union members to improve pay and conditions in peripheral employment through unions challenges the perception that union benefits are racialized or ethnicized. Immigrant members acquire the skills to attain, defend and maintain improved working conditions and or a collective agreement. After partnership, native trade unionists may adjust their views of immigrant co-workers in peripheral work as the cause of declining employment standards and union power.

### **Implications for Pro-immigrant Action beyond Unions**

My argument on the role of identity templates in rendering immigrant mobilization in unions effective, then influencing the likelihood of native-immigrant partnerships in order to obtain pro-immigrant action by unions, can be fruitfully extended to other organizations in civil society. Owing in part to the fact that many of the key immigrant activists in the trade union movement who I interviewed, have also had roles in party politics, early stage data collection and analysis suggests that dynamics similar to unions will be determinative of immigrant activists' success in procuring pro-immigrant action from political parties.

### ***Protecting an Anti-Discrimination Watchdog in Denmark***

During the decade of conservative government (2001-2011) in Denmark, immigrant trade union activists such as Özlem Sara Cekic and Anthony Sylvester counted among very few voices offering a response to the anti-immigrant rhetoric and policy of the Danish People's Party. For example, Cekic moved from activism within the Danish Nurses Union (DSR) as discussed in Chapter 4 on discrimination,

to serve for 8 years as a member of the Danish parliament with the Socialist People's Party (SF). Sylvester was an active member of the Socialist People's Party as well. Together with other immigrant activists working within political parties and unions, Cekic and Sylvester leveraged their positions in parties and unions to push for concerns such as maintaining funding for the anti-discrimination watchdog, the DRC. The case immigrant activists made for continued funding for the DRC was grounded in the identity template of equality.

Immigrant-and migration organizations also faced threats to their organizational existence from the far right. After conservative parties swept the 2000 election, the Danish People's Party traded their support for the Danish national 2001 budget proposed by conservatives, for an agreement to terminate funding for "a whole list of organizations working with issues such as integration, anti-discrimination and human rights." Targeted groups included: "The Board for Ethnic Equality, the Danish Centre for Human Rights, the Documentation and Advisory Center for Racial Discrimination (DRC), the Danish Centre for Migration and Ethnic Studies and the Council of Ethnic Minorities" (Hedetoft 2004: 26). After the conservatives agreed to this trade, the Danish Prime Minister explained the reason the state removed support from these organizations as due to their being "politically correct" entities which "repress the public debate with their expert tyranny" (Hedetoft 2004: 27).<sup>1</sup> Because of its focus on anti-discrimination work, immigrant party and union activists successfully lobbied LO, 3F and FOA to support the DRC after government funding ended, so that it could maintain a minimal presence.<sup>2</sup>

### ***Local Voting and Immigrant Mobilization in Civil Society in Germany***

Immigrant workers in West Germany during the 1970s who were active in unions were also active in parties and civil society organizations around the issue of local voting rights. Immigrant workers framed their appeal with references to the identity template of constitutional patriotism and succeeded in shifting the views of some local party politicians on the issue of local voting as well as those of some unions. Immigrant workers on the state funded Foreigners' Committee in West Berlin staged protests and held press conferences in coalition with German colleagues in order to get politicians to support local voting rights for foreigners, who made up nearly 10 percent of the population in West Berlin at that time (Decker 1979: 24). Some of the immigrant associations which supported the committee's efforts included, the Association of Youth Workers of Turkey (Verein der Arbeiterjugend der Türkei e.V.), the Federation of Employees from Turkey in West Berlin (Bund der Werktätigen aus der Türkei in West Berlin), the Spanish Parents' Association in Berlin (Spanischer Elternverein in Berlin e.V.), the Association for Political Education (Verein für politische Bildung), Young European Federalists (Junge Europäische Föderalisten), the Friendship Association of German

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<sup>1</sup> Interview with DRC Executive Director, Niels-Erik Hansen in July 2011 in Copenhagen, Denmark

<sup>2</sup> Interview with DRC Executive Director, Niels-Erik Hansen in July 2011 in Copenhagen, Denmark; Interview with Integration Consultant, Anthony Sylvester, 3F in March 2011 in Copenhagen, Denmark; Anthony Sylvester is also a board member of the DRC.

and Foreign Workers (Freundschaftsverein deutscher und ausländischer Arbeitnehmer e.V.), Meetup and Info hub for Turkish Women (Treff- und Informationsort für Türkische Frauen e.V.) (Decker 1979: 14). The committee got 3000 signatures in support of local voting in West Berlin in 1979 (Decker 1979: 20). Immigrant activists pressured local politicians from the SPD and FDP to make public statements in favor local voting rights for foreigners to media outlets (Decker 1979: 38).<sup>3</sup>

During the 1970s, the German trade union federation opposed local voting for immigrants. However, since sectoral member unions were closer to and interacted with individual immigrant members, immigrant members successfully pressured sectoral unions to support local voting rights for immigrants linking their claim to the identity template of constitutional patriotism. The DGB rejected a proposal by the European (Labor) Union Federation in support of local voting rights in 1976. IG Metall and IG Chemie passed resolutions similar to the European body in 1980 that they introduced at the DGB congress in 1982 but that narrowly failed to get majority support. Unions responded to immigrant pressure on sectoral unions and the federation once the Social Democrats left power and Helmut Kohl's (CDU) administration succeeded them.<sup>4</sup> The DGB passed a resolution in support of local voting rights in 1986. Immigrant activist and trade unionist Safer Çinar pointed out that Turkish and Greek workers were well organized within the German trade unions in the 1970s and once the center right came into power, West Berlin, Hamburg and Schleswig-Holstein state parliaments passed laws to allow local voting for non-Germans in response to trade union pressure.<sup>5</sup>

## Future Research

My preliminary investigation of immigrant mobilization in civil society beyond unions suggests my argument about the importance of agency and alliances for pro-immigrant action has merit. Immigrant activists in unions with ties to parties in Denmark mobilized themselves before seeking the aid of native politicians and trade unionists to maintain funding for NGOs addressing immigrants' rights. Immigrant activists with ties to NGOs and parties in West Germany also organized their base before obtaining support from local politicians for local voting rights. Future research should consider the degree to which activism in unions differs qualitatively from activism in other kinds of organizations in motivating immigrant claims-making. In like manner, additional explorations of my argument should investigate the ways in which the organizational setting (i.e. parties or NGOs rather than unions) may influence the calculations of native trade unionists as they weigh partnership with immigrants.

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<sup>3</sup> The Foreigners' Committee published newspaper clippings attesting to local politician support from SPD and FDP for local voting: For example Berlin Senator Peter Glotz (SPD) told the Tagesspiegel on 02.03.1979 that immigrants born in Berlin should have local voting rights.

<sup>4</sup> Interview with Safer Çinar in November 2010 in Berlin, Germany

<sup>5</sup> Interview with Safer Çinar in November 2010 in Berlin, Germany. The Federal Constitutional Court (BVG) later rescinded these laws expanding local voting rights as unconstitutional (DGB 2008).



## Appendix A

### Selected Interviews by Year

(2009)

Azad Cakmak, CO-Industri, Denmark  
Ib Maltesen, LO, Denmark  
Peter Rimfort, CO-Industri, Denmark  
Anthony Sylvester, 3F, Denmark  
\*John Wallace, HK, Denmark

(2010)

Safer Çinar, TBB and former GEW board member, Germany  
Sonja Marko, Ver.di, Germany  
Giovanni Pollice, IG BCE, Germany  
Volker Rossocha, DGB, Germany  
Petra Wlecklik, IG Metall, Germany

(2011)

Azad Cakmak, CO-Industri, Denmark  
Mustapha Coezmez, Ford AG Company Works Council and IG Metall, Germany  
Susan Cueva, UNISON, UK  
Mariah Grohndahl, FOA, Denmark  
Niels Erik Hansen, Documentation and Advice Center on Racial Discrimination (DRC), Denmark  
Artur Hoch, Ver.di, Germany  
\*Riley James, UNISON, UK  
Kamaljeet Jandu, National Race Equalities Officer, GMB, UK  
Ib Maltesen, LO, Denmark  
Birgit Pitsch, NGG, Germany  
Markus Plagmann, Regional Official, IG Metall, Germany  
Peter Rimfort, CO-Industri, Denmark  
Ferda Soenmez, IG Metall, Germany  
Wilf Sullivan, National Race Equalities Officer, TUC, UK  
Anthony Sylvester, 3F in Copenhagen, Denmark  
Narmada Thiranagama, Race Equalities National Director, UNISON, UK  
Arnim Thomass, Ver.di, Germany  
\*John Benjamin, IG Metall, Germany  
\*Haydar Binici, IG Metall Shop Steward and Works Councilor, Ford plant, Cologne, Germany  
\*Rashid Macar, IG Metall Shop Steward and Works Councilor, Ford plant, Cologne, Germany  
\*Uwe Gertner, IG Metall Shop Steward and Works Councilor, Ford plant, Cologne, Germany

\*Deniz Rahman, IG Metall Shop Steward and Works Councilor, Ford plant Cologne, Germany

(2012)

\*Leonardo Amin, GMB, UK

Carsten Becker, Ver.di, Germany

\*Noa Bracic, Ver.di, Germany

Stephen Gummert, Ver.di, Germany

\*Joerg Hauptmann, Ver.di, Germany

Margaret Okoroafo, GMB, UK

Andy Newman, GMB, UK

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## Appendix B

### Acronyms Used

Accord (Banking Services Sector Union), UK  
ASLEF (Associate Society of Locomotive Engineers and Firemen), UK  
Aspect (Trade Union for Professionals), UK  
BFAWU (Bakers, Food and Allied Workers' Union), UK  
BSU (Britannia Staff Union), UK  
Connect (Trade Union for Professionals), UK<sup>1</sup>  
CWU (Communication Workers' Union), UK  
Dansk Metal (The Danish Metal Workers Union), Denmark  
DBB (Civil Servants Federation), Germany  
DEF (The Danish Union of Electricians), Denmark  
DGB (German Trade Union Confederation), Germany  
DGSU (Derbyshire Group Staff Union), UK  
DJ (Danish Railways Union), Denmark  
DRC (Documentation and Advice Center on Racial Discrimination), Denmark  
DSR (Danish Nurses Union), Denmark  
EVG (Train and Transport Union), Germany  
FBU (Fire Brigades' Union), UK  
FF (The Prison Association), Denmark  
FOA (Union of Public Sector Social Care Workers), Denmark  
FRA (European Union Agency for Fundamental Rights)  
GdP (The Police Union), Germany  
GKL (Union of Local and State Services), Germany  
GEW (Education and Science Workers Union), Germany  
GMB (General Multi-sector Union), UK  
HCSA (Hospital Consultants and Specialists Association), UK  
HKKF (The Union of Military Personnel), Denmark  
HK (Union for Salaried Employees), Denmark  
HSF (Danish Handball Players' Association), Denmark  
ICERD (International Convention on the Elimination of all Forms of Racial  
Discrimination)  
IG BAU (The Construction, Agricultural and Environmental Workers Union),  
Germany  
IG BCE (The Chemical Workers Union), Germany  
IG Metall (The Metalworkers Union), Germany  
LO (The Danish Confederation of Trade Unions), Denmark  
MFD (The Painters' Union), Denmark  
NASUWT (National Association of Schoolmasters Union of Women Teachers), UK  
NIF (Network in the Union), Denmark  
NNF (The Food and Allied Services Union), Denmark

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<sup>1</sup> Connect merged with Prospect in 2009.

NGG (Food, Beverages and Catering Trade Union), Germany  
NUM (National Union of Mineworkers), UK  
Prospect (Trade Union for Professionals), UK  
PCS (Public and Commercial Services Union), UK  
RED (Racial Equality Directive)  
SF (Service League), Denmark  
SL (Social Educators), Denmark  
T&G (Transport and General Workers' Union), UK  
TBB (Turkish Federation of Berlin-Brandenburg), Germany  
3F (The United Federation of Danish Workers), Denmark  
TL (The Technical Union), Denmark  
TSSA (Transport Salaried Staffs' Association), UK  
TUC (Trades Union Congress), UK  
UCU (University and College Union), UK  
UNISON (Public services union), UK  
URTU (United Road Transport Union), UK

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