

Organizing by ver.di? How the United Service Union of Germany reacts to illegalization

By respect and kanak attack Berlin

Founded in spring 2001, the unification of various trade unions in the United Service Union of Germany (named ver.di) aimed to increase power of self-assertion in the sector of services which has gained more and more importance in recent years. Furthermore the unification was intended to stop the massive decrease in membership. Under the many folded expectations combined with the founding of the new union there were also demands to be open for new forms of organizing and new alliances with social organizations as well as to strengthen the fight against racism.

Not very unexpected, many of the expectations have not been met yet. In the debate over the new immigration law, ver.di as well as the German Union of Trade Unions (DGB) demanded a residence permit for foreigners who had been living in Germany at least for five years. Implicitly they picked up a demand of the campaign for the right to stay (“Bleiberechtskampagne”) which was organized by organizations of Roma, various councils of refugees (Flüchtlingsräte) and the non-governmental-organization Pro Asyl . But only legal staying foreigners should get in favor of this proposed residence permit.

The trade union ver.di is silence however when it comes to the situation and the rights of illegally staying foreigners. Only very few representatives of the union speak up for their legalization without feedback so far. Conditions leading to illegalization und deprivation of rights are not conceived as an issue for action for the union. Thus the union’s criticism of the “Hartz-Reform”¹ didn’t include the fact, that the fusion of the two different social security contributions “Arbeitslosenhilfe” and “Sozialhilfe” makes it impossible for unemployed foreigners to get an unlimited residence permit or to get naturalized. Potentially they are even threatened by losing their (limited) residence permit.

In this year the trade union IG Metall² supported as the first and only union the statement of the European Parliament to use the regularization of undocumented migrants as a way to regularize the labor market. But also this demand was on paper only. In the reality of trade unions the different proclamations for various rights for residence have played no role so far. To change this, we have started up a campaign for legalization.

The Society for Legalization

The part of the nationwide Society for Legalization located in Berlin includes organizations of refugees and migrants, anti-racist and feminist groups as well as members of the trade union and advice centers which demand social and political rights for migrants with or without papers and which want to promote possibilities of legalization. At this point we address to ver.di, because especially in the sector of services undocumented workers increasingly find work. For example in transportation and especially in sex work where it is estimated that migrant’s share 60% of the whole work. Many of them live here without residence permit or are threatened by illegalization. Another sector refers to people who work in households especially in the big cities. They care for old or ill people, look for children and run the household.

Although not even minimal human and working rights of undocumented migrants are respected, the resistance against bad working conditions is neither organized within nor even noticed by the

trade union. Trade unions with their policy of representation are far away of matching the real working relations and possibilities of action of undocumented migrants. For this problem the trade union are to blame for: Firstly, the gap between the real situation and the claim of the union to represent the interests of workers is grounded in the debate about illicit work (“Schwarzarbeitdebatte”). The imagination of a new form of concurrence (“Schmutzkonkurrenz”) between German workers and undocumented workers produces the assumption that one group of people has a privileged right to a job in contrast to another. This is a nationalistic and racist imagination, because it is categorizing people by these criteria. Secondly, positions of feminists striving for extending the current conception of work and increasing the assessment of female work in wage agreements are still controversial in between the unions. This has consequences for the organization of undocumented migrants. Women without documents find work especially in sectors like household and sex work. There women with documents are not organized by the union as well. Although about 4 million private households employ domestic workers, only 300 of these are members of the trade union. Despite of existing wage agreements a broad consensus dominates assessing domestic labor as organized informal and paid below the standard rate. Since a new law concerning prostitution was launched in 2002, ver.di has taken over the task to work out an employment contract for these working places. But so far it has not been used very often. The workplace prostitution is pretty different from company working places. The big majority of sex workers do not prefer fixed working hours and periods of notices.

Trade unions are therefore no place to go for workers whose fundamental rights are being violated. A domestic worker, a construction or transportation worker will not address to an union advice center when wages weren't paid, because he or she lacks documents – no more than a sex worker who works in unfair and bad conditions.

Instead the society implicitly agrees on categorizing such violations of working rights as human rights and in this way making them a task for exclusively social advice centers. Sexual harassment of employers against undocumented migrants or working conditions of migrant sex workers in general are categorized in public discourse as human trafficking. According to law the police is the one to contact to in case of sexual harassment. But it is unsuitable, when the police have primarily the interest to deport undocumented workers instead of protecting their rights. The same shifting takes place, when being paid below the standard rate or the withholding of wages is described as “social dumping”. The resulting precarious working and living conditions are implicitly constructed as a “humanitarian task”, transferred to charity organizations, churches, medical advice centers, antiracists groups and, of course, the migrant communities itself.

With their concept ”supporting instead of controlling” the Central Drop in Center for Commuters from Eastern Europe (“Zentrale Anlaufstelle für PendlerInnen aus Osteuropa”) and the Polish Social Council (“Der Polnische Sozialrat”) have recently tried to give this responsibility back to the trade unions. This concept refers to the construction sector. Instead of taking part in raids against undocumented workers and their criminalization, the concept intends that the IG BAU supports them by getting their working rights accepted like for example the right to getting the agreed wages. The boards of the IG BAU and the DGB have more or less welcomed this concept. However, in union everyday life nothing has been pushed through. Only the educational center of the DGB published an information brochure about rights which result from employer-employee relationships, even if workers lack residence and working permits.

It's time to act – for ver.di, too!

The enforcement of working rights and social minimum standards is in need of organisations which are committed to get them accepted – and that are the trade unions. In addition working rights and minimal social standards only gain validity when they are achieved for all workers. But so far we have not noticed which strategies ver.di pursues at all to push through better working conditions in general as well as in the service sector.

Which solidarity?

The dominant logic of discrimination of undocumented workers according to racist and sexist mechanism protects certain interest in between the trade unions. Trade Unions are still largely organized in the context of the national state. This logic is grounded on the assumption that in this way the supply of workers can be limited and well paid and social regulated jobs can be pushed through for women and especially for man with German passport.

This logic of drawing a clear dividing line denies the reality of migrants. Although the right of asylum is abolished in reality and the borders have been military built up, people continue to migrate. The sealing-off policy does not lead to stop people at the borders. But massive border controls increase the prize to cross them and let death tolls grow. Consequently migrants can live and work here only illegally. Efforts to regulate (former illegal work) like the Green Card finally serve more the subordination of workers and the deprivation of rights, because the Green Card fixes the residence permit to the employer. Furthermore, such efforts can lead to wages below the standard rates. This happened in case of a decree which regulates exceptions from the legal ban to recruit foreign workers (“Anwerbestopp-Ausnahmereordnung”). This decree allows the recruitment of nursing staff from the new acceding countries of the European Union (“EU-Beitrittsländer”). According to the decree women were officially take on as helpers for households with people in need of care. In fact it was expected that they were employed as nursing staff far below the standard wages.

The building up of the borders is accompanied by illegalization, devaluation and bad wages for workers. Illegalization becomes a capitalistic strategy to undermine wage agreements, to put pressure on regulated work and to get certain work done for wages which cannot secure a living. This capitalistic strategy is contrary to aims of the trade unions to prevent the rise of a low income sector and to promote a powerful organization of employees. If employees are not only afraid to lose their work, but also fear denunciation and deportation, an (union) organisation against exploitive employers is hardly not possible.

Which strategies?

With the growing neoliberal rearrangement of employment trade unions are forced to look for new pioneer approaches of union organizing. In public debate the problem is presented as follows: With the growing precarization of employment the trade unions have to decide whether they fight for working rights for people who are in urgent need of it or whether they limit their fight to protect employment and working conditions of people who still are “allowed” to work in social regulated employer-employee relationships. We see the assumption of this polarized discussion as wrong. Not only, because the conservatives can easily denounce the protection of regulated employer-employee relationships as a narrow-minded policy of maintaining the living

standard only for few people. The polarization makes some points invisible which are very important for us when it comes to the rearrangement of new union approaches: Many employer-employee relationships have always been organized precariously. Flexible, deregulated employments have not only been on the rise, since services were outsourced and the low income sector was promoted by the state. And the classical tool in class struggle – the strike – has not only been ineffective, since a growing transnational acting capital simply looks for new sites, when workers demand union representation and higher wages. Domestic labour, nursing and sex work have always been organized precariously, and it is not by accident that this work is primarily done by women/female migrants. But trade unions have not been particularly interested in employment which not takes place in a company, and is not done by a group of workers, but isolated in the “private sphere” like in the household or in bed where the exercise of this “services” against money is not desired normatively.

Changes in the service sector need new answers and strategies which are grounded on a change in understanding solidarity. But it is not something new that this is necessary. When new methods for pushing through (union) political interests are to meet the reality of employee’s work and life, they have to include the cooperation with left-wing oriented forces. They have not only overcome national borders, but also racist and sexist hierarchies.

There is no future for an organizing and strengthening of the service sector without a reaction to processes of illegalization and other form of precarization. That’s why we demand from ver.di the following:

- Ver.di offensively addresses workers in irregular employments and tightly cooperates with representatives of migrant networks, social advice centres and others to push through the protection of working rights independent from the status of residence. This includes providing resources for multilingual staff and for organizing campaigns.
- Ver.di changes the criteria for membership admission that also workers without bank account, with a very few or no income, without knowledge of the German language and with no address registered at the police (“polizeiliche Meldeadresse”)³ can get a member of the union. If required anonymity is possible.
- Ver.di offensively stands up for working rights and minimal standards for undocumented workers in politics and the society as well as in union educational work. Ver.di supports the ratification of the UN-convention for the rights of migrant workers and their families and it’s conversion into national law. In everyday life ver.di supports the effective enforcement of the right to education, living and medical care. Ver.di demands a right to get legalized.
- In domestic labour, nursing and sex work new forms and strategies of pushing through interests get developed in cooperation with the affected workers.

- Ver.di supports the acknowledgement of foreign professional qualifications and university degrees as well as the abolishment of the privileged allocation of jobs to Germans and citizens of the European Union (“Inländerprimat”). Ver.di decides to acknowledge migrants as an own institutional group (“Personengruppe”) in between the organization.
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October 2003

1 Label of several laws which massively transformed and cut social subsidies

2 IG Metall represents the workers in the metal and engineering industry

3 In Germany everybody is obliged to get his address officially registered at the police.