Framing solidarity in the unionisation of undocumented migrant workers

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12. Framing Solidarity in the Unionisation of Undocumented Migrant Workers

Abstract: This chapter explores the capacity of two Swedish trade union initiatives, SAC Syndicalists and LO-TCO centre, to extend solidarity to undocumented migrant workers. The author asks what solidarity linkages have been established since the shift of millennia and what obstacles encountered in forging solidarity between workers with strong versus weak legal status. He illuminates the emergence of a transformative form of solidarity, which may open for protection of new groups of disadvantaged workers.

Introduction

Trade unions have, as their primary purpose, the organisation and defence of employee interests in the labour market in order to secure the best terms and conditions, available through exercising their collective bargaining strength. Traditionally, addressing the balance of power between labour and capital has been based on the calibration of conflicting interests by domestic labour market actors. The 'age of migration' has brought new complexities to this equation marked by the emergence of a new 'worker' category, among which, the undocumented migrant has been increasingly prominent. The status of undocumented migrants in the labour market is problematic and, at first glance, trade unions may have little to offer. Likewise, as collective labour representation agencies, trade unions seemingly have little to gain from the presence of undocumented migrant workers in their ranks. This raises issues for trade unions of the appropriate forms of organisational response, and not least, the reach of solidaristic inclusion of a more complex and diversified workforce. Forging solidarity between workers with strong versus weak legal status, dependent on citizenship, impacts collective bargaining and attempts to fight 'social dumping'. For more than a decade, particularly since European enlargement in 2004, this challenge has embroiled trade unions and social movement actors.

The chapter investigates two Swedish trade union initiatives in providing protection for undocumented migrant workers. It asks what solidarity linkages have been forged, and what lessons can be learned from attempts to mobilise workers whose legal status may be unclear.

In the following sections, a short background on current Swedish unions will be presented, followed by the theoretical and methodological framing of the study.

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Subsequently, two cases of union intervention will be discussed, illustrated by interviews with both union representatives and migrant activists. The major argument is that conflicts between the 'self-interest' of the union (members) and protection of the undocumented workers' interests, add further weight to the duality of inclusion (right to association), and exclusion (irregularity of work). These create obstacles for rhetoric realisation in the practice of solidarity, and it is therefore proposed that forging collaborations with support organisations for undocumented migrants can deliver alternative approaches.

The Recent Agenda of an Old Movement

During recent decades, internationally trade unions have been losing members and have seen a weakening of influence (see MacDonald 2014; Balasubramanian 2015; Farber 2015). The Swedish self-regulation model, based on collective bargaining agreements between labour market parties covering ninety percent of employees, has however remained relatively strong in comparison to other countries. Yet, Swedish unions have also been affected by a decline in union density from eighty-five percent in the early 1990s to sixty-nine percent in 2015 (Kjellberg 2013, 2016).

Union decline through membership loss has prompted the search for union revitalisation initiatives. A recurring argument is that extending solidarity through coalition building with other social movements may create pathways to strengthening union influence in the labour market and society at large (Frege and Kelly 2003; see Turner 2005). Revitalisation strategies propose that the labour movement, which traditionally has taken a protectionist stance towards migrants (see Penninx and Roosblad 2000), 'should recognise that migrant workers are an integral part of the working class, and that they have often played a pivotal role in the making of labour movements' (Munck 2015: 105).

In the context of the United States of America (USA), Ruth Milkman (2015) pinpoints the potential of alliances with progressive movements to address the discrepancies between out-dated protective structures and the increasing challenge of a precarious labour market. Milkman illustrates synergies in cooperation between labour unions and community-based workers-centres' movements. Together, they have shared challenges of strengthening low-wage immigrant workers' bargaining capacity. In so doing, this has helped overcome a lingering myth of the 'unorganisability' of undocumented workers. Although mobilising and forging long-term relationships with such workers has proved difficult, not least due to the risk of employer complaints to the authorities resulting in deportation, the number of workers' centres providing direct assistance and advocating for the rights of precarious migrant workers have increased (see Fine 2011; see

also Milkman, Bloom and Narro 2010). However, with the deportation of close to four-hundred thousand migrants in 2011, and the continued difficulties in organising workers, Lee H. Adler and Daniel B. Cornfield (2014: 51) contend that unions and immigrant worker advocates, hoping for (still elusive) labour and immigration legislation reforms, might 'need to consider different approaches or strategies in order to succeed'.

In a comparative analysis on the Global North's (The USA, France, Germany and the United Kingdom) union activities to mobilise precarious migrants, Gabriella Alberti, Jane Holgate and Lowell Turner (2014) identify a slow, but increasing, drift from restrictive to inclusive approaches. In relation to the most concealed workers, including those undocumented, they underline that there are great challenges and considerable varieties in methods across countries. Notwithstanding, the authors propose that 'best practice' is found in social movement inspired tactics of grassroots activism and coalition-building. Such may include: industrial approaches targeting employers in subcontracting chains; the recognition of ethnic identities, e.g. through separate structures, yet with close links to mainstream union channels; and, the development of coalitions with social justice groups, pursuing community support built on a harmonised division of labour.

In Sweden, there has been a growing research on irregular migrants (Khosravi 2010; Holgersson 2011; Sager 2011; Sigvardsdotter 2012), however few studies have more extensively centred on undocumented migrants and trade unions. In this context, Anders Neergaard (2015a: 232) argues that three parallel solidarity approaches to labour migration can be identified among the unions. Firstly, in the shape of 'subordinated inclusion', a term directing attention to members' perceptions of labour migration as a threat to "our" situation,' further strengthened through union scepticism regarding the feasibility of organising new worker groups. Secondly, a vertical form of solidarity that invokes human rights through 'idealist rhetoric of support and help'. Thirdly, a stance on workers' community interests as considered threatened by capitalist-antagonists' dividing politics and schemes. In regards to undocumented migrants, these differences are ascribed to the different realms of the labour market, and the economies that the respective unions are active within. Yet, also the differential relationships between capital and labour, as well as particular forms of regulation therein. Neergaard contends that therefore it is understandable that, for example, the Building Maintenance Workers' Union that mobilises in a sector with low degree unionisation¹ and is

1 From 2008 to 2014, union density fell from sixty to fifty percent in the private sector (Kjellberg 2016: 12, 41).

composed of high numbers of precarious workers, has most passionately undertaken the development of an inclusive strategy (Neergaard 2015a).

Although undocumented migrants are prohibited to stay and work in Sweden, they could be entitled to protection through the right of association stipulated in the labour law. The latter guides such unions' practical and strategic agenda. The strategy of unions that have shifted perspective from 'illegal' to 'workers', representing undocumented workers, has also been discussed as a form of 'semi-organising', mainly because such unions have not fully succeeded in employing traditional bargaining power in this sphere. Furthermore, the implementation of the EU Sanctions Directive² carries the potential to moderately improve undocumented workers' legal situation through the right to back pay³. Notwithstanding, this is only feasible if becoming appropriately recognised by the judicial system and labour market actors (Selberg 2014). In the case of unions, where exclusionary membership practices have applied to effectively organising these workers, it 'obviously has turned out to be a hard nut to crack' (Inghammar 2010: 211). Undocumented migrants are thus, to some extent, protected as workers by the law, yet the conduct of such work is sanctioned, forcing them to admit their 'crimes' in order to secure rights. Through this contradiction, the state adds to workers' subordination from the employers by equating both parties' crimes and shared self-interest in concealing such labour. Compared to the conventional workings of criminal law, this construct is further considered an anomaly, by which the criminalisation of labour is also coincided with the criminalisation human beings. Decriminalising the work carried out by undocumented migrant workers, but not the employers' part in the arrangement, is therefore held as the only feasible measure to suppress employers of means of eroding working conditions, hence securing all workers' positions by dampening the demand for this labour force. This consequently corrects the 'unjust' punishment of people whose lives depend on such work and is seen to be 'of great importance for all workers that the legal sanctions on regulated labour migration are not, under any circumstances, directed to (irregular) migrant workers' (Selberg 2015: 394).

Some Swedish trade unions have begun to develop positioning towards undocumented workers in line with such line of reasoning, notably the Building

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- 2 Directive 2009/52/EC of the European Parliament and of The Council of the 18th of June 2009, providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals. In 2013, implemented into Swedish legislation (Svensk författningssamling [SFS] 2013:644).
 - 3 Undocumented migrants are entitled back payments for the work they have done, equivalent to the wages of a 'legally' employed worker.

Maintenance Workers' Union (BMWU). Other unions have previously adopted directly exclusionary practices, including as in some cases, joint passport inspection raids with the police, aimed at apprehending and removing irregular migrants from their workplaces (see Frank 2012). However, as previously noted, there has been a general shift towards involving the undocumented as fellow workers and building new inclusionary organisational forms. The manner in which this collective action approaches solidarity is the theme of the following section.

Elucidating Solidarity through Frame Analysis

Even if they are prohibited of staying and working in Sweden, undocumented migrant workers have the right of association. These contradicting conditions contribute to ambivalent union responses, as well as from salient undocumented migrant organisations. With this background, a frame analysis in order to elucidate the engagement of undocumented migrant activists and core union organisers in collective action will be employed. The focus is on organisational challenges within unions seeking to articulate constructive and inclusionary responses to undocumented migrants. Discussing the issues of solidarity, the chapter asks how the geography of solidarity is formed and subsequently reformed, as well as how it is conditioned, and what kind of political agency can be identified in trade union strategies.

Solidarity emerges over spatial and ideological boundaries that, following David Featherstone (2012), may go far beyond binary notions of similarity and dissimilarity that prescribe identities as pre-formed, fixed or given. Instead, he argues that solidarity is a transformative process through which alliances are constructed, reconfigured and contested. Solidarity is thus understood as provisional, unpredictable and dynamic, evolving with the reconfiguration of political identities. This highlights the transformative potential of political solidarity, i.e. the openness of political identities to negotiation in relation to political alternatives made through political struggles. Political agency is thus seen as a creative practice within particular geographies of solidarity.

The breadth of solidarity in the organisation of labour, as Ingemar Lindberg (2013) claims, is best understood as a chain-linked construct of mutual self-interest, perceived fellowship and communal conduct. Tracking the occurrence of this tri-linked chain construct, and aligning it with a transformative approach to solidarity, will be the points of departure for solidarity scrutiny. As such, how it is formed and reformed, and what forms of political agency can be identified, and related, to solidarity in trade union strategies will be addressed.

Frame analysis literature is useful in examining different unionisation initiatives that attempt to articulate a collective agenda of inclusion towards the undocumented (see Gahan and Pekarek 2013). David Snow et al. (1986: 464) hold that successful mobilisation depends on *frame alignment* – that is, ‘the linkage of individual and SMO (social movement organisation) interpretive orientations, such that some set of individual interests, values, and beliefs and SMO activities, goals, and ideology are congruent and complementary’⁴. By focusing trade unions’ public communications and the accounts of core activists and union representatives, the correspondence and divergence between prevailing frames can be examined. This enables an analysis of consensus framing vis-à-vis *diagnostic frames*, which identify injustices and attribute blame, and *prognostic frames*, which propose solutions, strategies and tactics in response to the diagnosis (Snow and Benford 1988). It is important to underline that frames are never static and that the ‘development, generation, and elaboration of collective action frames are contested processes’ (Benford and Snow 2000: 625). Willeam A. Gamson and David S. Meyer (1996: 286–287) further stress that the framing of political opportunities may in itself generate new possibilities:

It is not merely about seeing the glass half-full rather than half-empty but seeing it as half-full when it is often 90 percent empty. [...] There are numerous examples of past movements that demonstrated the possibilities of change that few had thought possible in advance. If movement activists interpret political space in ways that emphasise opportunity rather than constraint, they may stimulate actions that change opportunity, making their opportunity frame a self-fulfilling prophecy.

Furthermore, by way of theoretical approach, the concept of *frame disputes* will be employed when referring to disagreements over present and projected reality within and between actors (Benford 1993). In part, frames can be conceptualised in terms of their degree of *resonance* – exploring why some frames are more persuasive, salient or effective in mobilisation campaigns than others. In this study, this will be actualised through the concept of *experimental commensurability*, which prescribes that resonance is conditioned by the degree to which frames correspond to the everyday lives of the mobilisation targets. In addition to this, *frame amplification* will be used when referring to processes in which existing values or beliefs become invigorated and clarified, *frame extension* when discussing specific concerns to draw connections to more general interests and values, and

4 In the present study, the term *social movement organisation* comprises trade union confederations, trade unions and their local offices or sections, and organisations of undocumented migrants.

boundary framing when exploring the introduction of attributional demarcations in regards to the diagnosis (Benford and Snow 2000).

Contextualising the Research Field

The global city literature pinpoints nodes of major cities in the global economy that have produced both informalisation of migrant labour and strong forms of contention among their citizens (Sassen 2006; Stahre 2007). The Stockholm area, as research field for the study of organisation forms of undocumented migrants, provides pertinent examples. They are, first, the Undocumented Migrants' Group (UMG), which was a local Stockholm-based group that organised the undocumented within the Syndicalist union from 2004–2010⁵. Second, the Undocumented Migrants Stockholm (UMS) group that was founded by undocumented migrants in conjunction with a partial regularisation in the period 2005–2006. Third, the Trade Union Centre for Undocumented Migrants (TUCUM) that was established in 2008 through collaboration between the major trade union confederations LO and TCO, as well as a number of affiliates and other trade unions, as well as the aforementioned organisation UMS.

The present study is based on the analysis of documents and interviews with union representatives, movement leaders and undocumented migrant activists directly engaged in claiming rights. In the following, they are referred to as *core organisers* or *union representatives*, and *core activists*⁶. For many, their engagements have not been confined within these specific venues, but included relations with actors in neighbouring interest areas, such as: agencies founded on ethnic grounds, underground health-clinics, soup-kitchens, anti-deportation campaigns, social media campaigning etc. In the following sections, focus on UMG will be initially

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- 5 Parallel to this initiative, another Stockholm-based SAC-Syndicalist 'co-organisation', Västerorts LS, has offered undocumented migrants membership in the sub-group 'Register'. One Västerorts LS representative maintained in 2010 that the majority of this union's members were undocumented migrants (Lag och Avtal 2010). In 2013, this local union organisation was excluded from SAC by its central committee, who claimed that the 'co-organisation' had acted against union statutes and principles (SAC 2016).
 - 6 A *key informant* and *oral history interviewing* approach to in-depth qualitative interviews was adopted. The informants were encouraged to share their experiences in order to understand the predicaments and outcomes of the collective actions they had participated in. The time-period that data was collected stretched from 2008 to 2015, and has thus provided some longitudinal insights into the characteristics of mobilisation as different collective actions having evolved over time (see Blee and Taylor 2002).

explored, thereafter followed by TUCUM and UMS initiatives. The chapter ends with a discussion on the variations of these mobilisation efforts and their outcomes.

Syndicalists of a Distinctive Sort – the Undocumented Migrants’ Group (UMG)

The Swedish Workers’ Central-Organisation, or SAC Syndicalists in popular parlance, is a union confederation that comprises fifty-two local ‘co-organisations’, which organise some five-thousand six-hundred members (Karlsson and Warlenius 2012). The union was established in the aftermath of the 1909 ‘Grand Strike’⁷ that not only proved politically and economically ineffective, but also marked a major setback in the history of the blue-collar trade union confederation known as *Landsorganisationen (LO)*, halving its membership-base between 1908 and 1910. In response to this, many workers would seek alternatives to the reformist labour movement (Schiller 1967). Hence, in 1910 a ‘youth socialist’ initiative, comprising unions from southern Sweden, organised a congress marking the founding of a trade union guided with syndicalist principles. It condemned bureaucratisation and centralisation in the established labour movement and envisioned a revolutionary union striving for socialist societal transformation (Gunnarson 1965: 202). Throughout its history, the SAC Syndicalist’s union has carried a radical identity, not least by being the first union to organise undocumented workers. According to the SAC secretariat (Correspondence, the 24th of August 2015) the union had already in 2002 at its twenty-seventh Congress, adopted a formal decision to organise all workers independently of legal status. While this entailed the acceptance of undocumented migrants as union members in all local organisations, the district offices have remained autonomous in regards to matters of practical inclusion. Some local organisations had already, prior to the congress, enrolled undocumented migrants as members who, while awaiting asylum decisions, had found jobs, joined the union and remained members even after negative asylum rulings.

The Undocumented Migrants’ Group (UMG) was, according to its representatives, formed irrespectively of any general union policy. Instead, they maintained that this formal SAC union decision on unionisation of undocumented migrants was unknown to them, and that inspiration rather was found in unionisation initiatives in the USA and southern Europe.

In 2004, the group’s core organisers invited a representative of the *Spanish Confederación General del Trabajo (CGT)* to a conference for members and an

7 I.e. general strike.

additional public meeting. A local Spanish-language radio station acknowledged the event and invited the representatives to a live broadcasted programme. The immediate positive response came as a surprise to the organisers, especially when thirty people in the live-session called the studio to declare interest. One activist recalls this event and subsequent meetings:

The listeners called in and the radio personnel wanted to let us know before we had left, and we were rather worried [...], what if the secret police arrive, what if the Iranian embassy... One gets all sorts of ideas, or if the regular police arrive and people do not have residence permits. Then, lots of people came to the meeting [...] there were maybe 100 people there.

The group established subsections specialising in union rights, but also some non-traditional union matters, such as ways to find work, access to healthcare and Swedish language studies. This initial phase was however, according to the organisers, also characterised by internal debates, both at local and regional levels, over whether the unions should be organising any workers in informal employment:

They were ombudsmen, employed within SAC, who were older men from northern Sweden where the SAC had a strong anchoring in the forest industry, but also those from Stockholm were rather critical. [...] Several people from the local organisation in Gothenburg were critical; they [too] were of the opinion that this [activity] was organising undeclared work.

Despite these internal framing disputes, the UMG developed strategies, accumulated external support from refugee rights groups, and succeeded in settling a series of conflicts with employers. However, they would also encounter various organisational difficulties, a weakening of internal support, and eventually organisational decline and dissolution. In the following development, the core organisers' experiences of this trajectory are described.

Conflicts with employers, in almost all cases, predominantly focused on retro-active compensations after workers were dismissed. Fear often prevented workers from improving conditions as it was 'difficult, because one is afraid as an undocumented migrant [...], because one is so exploited.' Thus, the majority of those who joined the UMG as regular paying members would do so in relation to an ongoing conflict. This meant that labour conflicts would serve as pathways to union membership. Despite being supported by the 2002 SAC congress decision to elaborate new organisational strategies, the local organisation would diverge from customary SAC prognostic frames by offering representation to people who prior to a conflict had not been members. One of the organisers expands on the matter:

Officially, we do not negotiate for people's conflicts unless they are members. We have not dealt with this formally. But rather, taken on what we believed we could do something

about. [...] Then the rest of the local organisations demanded more or less that we change this policy. [...] We would not have (represented) done so with someone who was employed in a rule-abiding way. We signed them up and started to negotiate over old things anyway. [...] We quite simply accepted the employee's version, we believed them (laughingly), and then we put forward their demands. [...] What they have agreed on as pay, that's what we have pursued.

The disputes were commonly resolved by invoking the legally sanctioned bargaining rights, which ordinarily would result in conciliation over compensation and thus would not require further industrial action. The organisers explained however that, if needed, they used industrial action such as blockades of various premises linked to the employer's business:

In no case that I was involved in have they [the employers] tried to deny that this or that someone has carried out some job. Rather, it is only a lot of fuss around the scope and what already has been paid. [...] And then this, that they are forced to negotiate, it does not mean that they are obliged to get along with us. [...] So those [laughingly] who do not comprehend that they shall come to the proceedings, they probably think that they are obliged to get along with us too. [...] The [LO] tradition is more that one is to get along by not spoiling the good atmosphere and so on. And we [Syndicalists] could not care less about the good atmosphere. It may become as mean as it wants, particularly in those situations when our member has decided to no longer work there – in principle then we can be as mean as it gets.

While the 'winning' or settling of 'some thirty to forty' negotiations with employers were described as events that re-energised collective action mobilisation, not all disputes would however lead to settlements, and would thus impact on the organisers' motivation:

If you negotiate and do not reach a result for the member it will drain one's powers. It is not always as fun [as in those successful cases] [...], rather it may be that one chases a small construction company composed of one person who you never get hold of.

This was however not the only negative implication that emerged prior to the ensuing termination of the group's collective mobilisation actions in 2010. The core organisers pointed to a set of interlinked factors concerning the incorporation of undocumented workers into the trade union's organisational form. The traditional SAC prognostic frames for defending their members' position on the labour market – through local club mobilisation in workplaces, and active member participation in all union activities – resonated poorly with the undocumented workers avoiding deportation. One organiser explained further:

We became as our own group within the local organisation, and then we maybe did not make more of the regular members become conscious about these questions, [...] [we

became] a bit isolated and separatist [...] [At local organisation meetings] there were a lot of formalities and arid matters that did not deal with undocumented workers' everyday lives. [...] Now we are in the same trade union...but... we never discussed my work conditions in these meetings because it was something totally different or far distant.

According to the organisers of undocumented workers, the establishment of a discrete group was initially anchored in the idea that it would provide a 'secure venue' for examining the working and living conditions, and developing appropriate strategies. In addition to this, language barriers could be more easily overcome in a narrower setting. Altogether, the special features of undocumented workers' legal status, the activist character of the union and the language barriers would amount to obstacles for conducting joint meetings and articulating collective action frames resonating with both the documented and undocumented members alike, thus fostering solidarity (cf. Lindberg 2013). The differences in members' working conditions were described as pivotal, negatively impacting factors on mobilisation efforts. The frames of collective action would thus lack congruence across memberships in relation to the 'personal, everyday experiences of the targets of mobilisation' (Benford and Snow 2000: 621). Although the matters of the UMG would be raised at local union office meetings, the organisers explained that interest was weak. One of them stated that the group was:

[...] tolerated in the meetings, but not much more than that. [...] Those [Syndicalists] that are established at the workplace, who enjoy their jobs, they do not want the reputation of being troublemakers, they do not want to stand in a blockade and yell 'damn work-buyer'. [...] I remember that I was rather disappointed that so few 'normal' members, if one could say so, arrived at our blockades. [...] Those who hold a steady job, enjoy their job, have a boss they can talk to, they [...] may think that we cause more harm than good.

The impediments to pursuing collective action through consensus attitudes of members of the union and the norms of 'communal conduct' (cf. Lindberg 2013) clashed with the pursuing claims on behalf of the new (undocumented) members. The union organisers found themselves in a situation of becoming proxies for undocumented workers in conflicts with employers – a task that would prove overwhelming without the active backing from the rest of the SAC membership. One of them described:

The Syndicalist idea is that one works together and is active as a member. One does not walk up to an ombudsman, put forth demands and walk home, and let the bureaucracy deal with the misery. [...] But, when it comes to the undocumented migrants, it was often so, that they were too afraid to show themselves, they are afraid even of riding on the subway, and then we in a way end up in this situation that we functioned as ombudsmen and that was not fun. [...] That way of working, it is not 'Syndicalistic'. Rather, one should engage the members, including those one negotiates for. [...] 'There are twenty

thousand undocumented migrants in Sweden', so we used to say sometimes, and all of them are mistreated in one or another way. How were we to clear this up with four people?

This dependency on a few volunteers was, according to another organiser, further underpinned by the declining degree of engagement by those formerly undocumented union members who had received residence permits:

Some of them I was in contact with in UMG who had received amnesty [...] did not continue to be active afterwards. Maybe it is so, that one has lived in really tough conditions here, worked informally, not dared to ride on the subway, and in addition to this have children, then when one gets the residence permit there are other things in life than attending [union] meetings. Also, maybe one does not want to remember this [period in life]. [...] When one is in an exposed situation, then this is priority number one [gaining a residence and work permit], of course. Just because one is a refugee, it is not necessarily so [...] that one is all that interested in other refugees or refugee-law, and maybe one wants that to be a [closed] chapter.

Such divergences of interests, norms and contingent circumstances call attention to varieties of framing disputes and efforts to achieve resonance for solidarity during the collective action mobilisation. The unionists' experiences and assessments of undocumented unionisation disclose a context where justice only partially can be served. Such accomplishments seem both to be contingent on substantial individual sacrifices outside ordinary unionist commitments, and on outcomes from clashes with contemporary union customs. Accordingly, whilst those workers who are immediately concerned, in the best of scenarios, only may afford offering limited fellowship and conduct (cf. Lindberg 2013).

The Trade Union Centre for Undocumented Migrants (TUCUM)

In this section the Trade Union Centre for Undocumented Workers (TUCUM), which is supported by unions in the LO, TCO⁸ and Saco⁹ confederations, is examined. The establishment of the TUCUM in 2008 is bound with previous union initiatives, and at least three cornerstone events. In 2007, the TCO adopted a policy on undocumented migrant workers in which they were recognised as covered by the labour law. Second, the RITA-project, initiated by the BMWU, had the goal of countering the exploitation of such workers within the cleaning sector (Holmgren 2007). The project report estimated that at least ten percent of the workers in this

8 The Swedish Confederation of Professional Employees.

9 The Swedish Confederation of Professional Associations.

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sector were undocumented and provoked one union representative to refer to 'our criminal cleaning sector'. In this initiative, the BMWU developed an inclusive strategy, and through its advocacy of undocumented migrants' rights at the 2008 and 2012 LO congresses, it has slowly succeeded in developing the LO's position on those (Neergaard 2015b).

The third development was the entrance of the association Undocumented Migrants Stockholm (UMS) into public debate following the 2005/2006 partial regularisation programme. Through subsequent political collective actions, the UMS attracted wide media interest and political support in its struggle for union rights. As a result, it became recognised as a legitimate representative body for undocumented migrants, not least through invitations to parliamentary hearings (Sigvardsdotter 2012; Hellgren 2014). The trade unions followed by inviting UMS to participate in the preparatory work that would become the TUCUM, and in which four UMS representatives were offered board positions, including that of vice chairman.

Union representatives have praised the centre for its uniqueness and capacity to bring together the three larger trade union confederations in joint collaboration to resolve practical matters regarding the exploitation of undocumented migrants. Today (2016), eight years after its ceremonial inauguration by the LO and TCO chairs, the centre is endorsed by some thirty union member organisations that support it through a 500€ yearly membership fee, as well as staff it during its one-day-a-week opening hours, and twelve hours-a-day, seven-days-a-week telephone service. Each Monday, TUCUM is open to migrants received by union representatives who listen to their employer-related problems, and if considered feasible, forward the case to the corresponding union. In its public communications, TUCUM has stated that working or employing someone without a work permit is illegal, but if it occurs, the workers' rights nonetheless, are protected by law. Accordingly, the centre provides advice and support to workers in conflicts (TUCUM 2016). TUCUM representatives claim that cases have been forwarded to eight trade unions, of which today four – Hotel and Restaurant Workers' Union, Food Workers' Union, Municipal Workers' Union and the aforementioned BMWU – also offer union membership to the undocumented (see Selberg 2014). Thus, through its intermediate position between the workers and specific trade unions, TUCUM provides the liaison for Swedish trade union engagement¹⁰ in defending the labour rights of undocumented migrants.

10 SAC organisation of the undocumented has proceeded in parallel to this venue.

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Compared with the various estimates on the number of undocumented migrants in Sweden, it can be assumed that the centre has not dealt with an overwhelming number of cases. 'At most two, sometimes just one, arrive, and some Mondays, none,' according to one representative. During the first couple of years, the majority of visits to the centre have had not been forwarded to the unions, either because workers have been cautious about direct union interference in their workplace conflict, or because other matters have predominated, such as healthcare, financial or legal support. This trend has, according to representatives, changed over the years through targeted information campaigns in collaboration with support organisations for undocumented migrants. In 2015, twenty-five cases had reached the unions, half of the total number of visits to the centre that year. However, where trade unions have intervened, the employment outcome for the individual worker has not been good, even if an immediate redress in terms of wage issues was achieved. One representative stated: 'We have not had anyone who has remained employed after we make the claim.'

The collaboration with the UMS was initially greatly valued for the organisation's direct channels to the undocumented, or as one union representative noted: 'when we started up, our driving forces were the contacts with the UMS'. However, within one year these ties would be strained to the breaking point, and result in the UMS resignation from the TUCUM board. One former core UMS activist pinpointed the discrepancies in perspectives and expectations between the UMS and TUCUM:

[...] enormous expectations that this huge trade union, gigantic trade union [LO] would help with the right to stay and right to work. [...] The problem with unions and TUCUM, and the problem with the whole civil society working with this unionisation matter, is that it doesn't understand that it also must work with the right to stay. [...] They [undocumented workers] don't give a damn about the working conditions sometimes. They are afraid of death if sent back. [...] [Unions] have their own purposes. [...] Primarily, they don't want salaries being dumped and that the workers' general rights diminish. [...] They do not want to help undocumented migrants, they want to frame the employers. But, they have to think further. [...] They have a rather poor understanding of asylum politics [...], which creates undocumentedness, and it is there the core [problem] lies, [and] solutions as well. [...] There is a will [in unions], people are goodhearted, [...] but it is not enough.

According to one TUCUM representative, unrealistic expectations were being placed upon them by the UMS (2012), especially in relation to migration law matters, stating: 'had we taken a position [on this matter] we would have been forced to close in 2009'. TUCUM's prognostic framing was thus set on protecting the collective agreements by combating informal work and exploitation of the undocumented, or as one of the core organisers stated:

We always demand wages according to the collective agreement. [...] We will not participate in making deals that result in a person getting lower pay. [...] We will not be servants of the state nor the police. Rather, we will protect these people and make sure that they have confidence in us. [...] There shall not exist 'sending them home' – rather we will nail those that take advantage of them.

The UMS has furthermore firmly refrained from union-organisation of the undocumented (2012), arguing that in addition to being a fruitless enterprise, it would be counter-productive to legitimise their legal status quo. As a core activist explained:

They want to show that undocumented migrants are workers, contrary to the police – [...] their job is to expel. [...] How would they organise? There's no logic. [...] There's no undocumented worker who can stand up against their employer to demand a collective agreement, or good salary, or better conditions. There is only one situation, where the undocumented come to you – when there is a conflict, when the employer doesn't want to pay. Then he can wag the finger at the employer without being afraid. [...] If we would reconcile with [the idea of] undocumented workers remaining undocumented in the Swedish system, we would then be accepting informal work. We cannot do that. [...] Why would it matter to be unionised if the UMW cannot be equal to a Swede. [...] It's not helping undocumented workers, it's helping the Swedish unions. [...] But of course, if we speak about opinion, [...] it matters a lot because the union can also strengthen the undocumented, [...] from an illegal to a legal status – they have chosen a new route. [...] The organisation [UMS] becomes more legal. That is why we are collaborating.

For some core UMS activists however, the trade-off of not earning support from the unions for legalisation, while at the same time being co-opted into the battle against informal work, was considered being against the interests of the UMS. Consequently, frame disputes within the UMS led one side to emphasise dependency on the existence of informal work as 'putting bread on the table', and that collaboration with the established unions had enticed the organisation away from its main objective of regularisation. The other side would attempt to pressure TUCUM union representatives by demanding that member unions give (equal) priority to cases on behalf of undocumented workers transferred to them. One UMS activist, after withdrawal from TUCUM, stated (2011):

The unions have been a bit afraid of their members, [...] for carrying the cases to the courts [...] and with this fear, bureaucracy enters into the centre. [...] The unions have received massive criticism from their members who do not want union organisation [of undocumented workers].

The TUCUM (union)-representatives would acknowledge this problem, but would also underline the need to proceed with caution with this sensitive matter regarding 'perceived fellowship' (cf. Lindberg 2013). One TUCUM representative

in 2011, expanded on the tensions in approaching TUCUM member-unions and the risks of escalating prognostic disputes:

They are tiptoeing, [...] in all the unions, [...] – an expression of simply not daring to offend member groups. [...] As soon as a union sees that, well they [TUCUM] are not delivering what we think is reasonable and good, they will leave [TUCUM]. So all of this is a sensitive chapter. [...] It becomes an internal union matter if we would dedicate much time on someone who is not a member.

In a follow-up interview in 2015, the prognostic frame would however be amplified towards ‘tiptoeing’ among member unions:

Well we have had some trickiness with unions that do not organise undocumented workers and additionally have a damn rigid approach to this that one has to be member in a union, a number of months, one, two or three before one does whatsoever. Well that is a breach to TUCUM statutes. [...] There are some unions that have reasoned that way – plainly idiotic. Well actually, they should be excluded from TUCUM.

A firmer line would however also be drawn between those deemed to be ‘representable’ and those ‘non-representable’ undocumented workers. The reasoning was as follows:

If they have chosen to enter [become members], and they receive help, and they get their 5000€ or something, [...] and then they exit, then they come back when they are in trouble again, then we certainly [will] say no. [...] Of course, it would be different if they worked as a cleaner and then got work in the metal industry, and there they maybe don’t even have a chance to become members. [...] But, [...] if they come back and have problems in the same agreement area and have left the union, [...] then they receive no help. Then what applies, is as for anybody else, you have to be in the union for three months, or one month or whatever rules one has. [...] Then we are harsh as hell. It’s just... Well it’s a demand [to be unionised].

To understand this reaction in 2015, it is necessary to go back to 2009 where the communication between unions and UMS was broken. Following the summer of 2012, after a series of weeks without visitors, TUCUM set about establishing new channels with the support organisation Crossroads¹¹, The Red Cross, *Stockholms Stadsmission*, The No One is Illegal Network and *Médecins du Monde*. These collaborations have, according to TUCUM representatives, been strengthened since 2012 and helped to restore visitor flow, not least through the periodical staffing of the Crossroad centre and venues for the project *Mötesplats för Papperslösa*¹².

11 Information and support centre for EU migrants living in poverty and homelessness.

12 ‘Meeting Place for Undocumented Migrants’, a three year project run by The Red Cross and *Stockholms Stadsmission* with the purpose of ‘contributing to a decrease in

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However, since 2012 visits to the centre have increasingly come to comprise EU-migrants from Bulgaria and Romania, in 2015 composing about fifty percent of the total. One core organiser provides insights into how boundary framing has brought about revisions in terms of 'mutual self-interest' and 'perceived fellowship' within TUCUM when encountering this new group of workers:

If one comes from such countries where there is some kind of union tradition that resembles our own, then we can say: 'you should know this'. But, those are often not the ones who are coming. Many have been from countries, from Romania and from Bulgaria, [...] and, they are as poor as hell many of them too. [...] It is really tricky. [...] Then we would probably to some degree, turn the blind eye. [...] It totally depends on how long [they have been here]. [...] Although, many of these EU-migrants, [...] they are not much better off than undocumented migrants. But, [...] we surely have to draw the line because otherwise it could happen that Norwegians come here [who work informally]. [...] We must draw the line somewhere, and we are actually called 'centre for undocumented', so it's no moral story. [...] That then an equally large, maybe even bigger group actually, of EU-migrants would arrive, that we could not imagine. [...] We have run a couple of cases for Roma people. [...] So, would we take care of 100 000 [internal] EU-migrants too, who most of them work under bloody dodgy circumstances? [...] It's not possible and the unions are not managing it either, unfortunately. There is nobody who can manage this. The EU cannot manage it, and nobody can [...]. It would possibly be if one closes the EU. Well, that the EU is shut, and one goes back to, well, the order that was before the EU. [...] We just make it simple for ourselves, from case to case. [...] Its cold, but that's the way it is. But, this damn exploitation, [...] certainly, this we never saw earlier, of course something is wrong when one has to live this way in 2015.

This interview illustrates that this 'something' wrong brings forward the frame extension through both emotional empathy and political understanding of the 'dodgy circumstances'. This theoretically, may ground for solidarity, but it also depends on the framing of political opportunities, i.e. when irregularity occurs, as well as the magnitude of the diagnosis and the protection of the labour rights of regular workers. Thus, undocumented and EU migrant workers who enter the informal labour market in Sweden and then seek union representation may be invited on the basis of their precarity, measured in terms of: access to formal employment, grievance of employer abuse, and risking expulsion. Roma people arriving from Bulgaria and Romania are said to fare just as bad as, or worse than, the undocumented, therefore fitting these requirements. Yet, as the 'line' must be drawn somewhere, they, as well as those coming from outside EU, may also come to meet the same 'coldness' as due to that being 'the way things are'.

the vulnerability undocumented migrants and other migrant groups are living in'. The project was terminated in 2015 (Red Cross 2015).

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Concluding Discussion

Through the core activist and union organisers' experiences of engagements within two union renewal enterprises, this chapter has illuminated a set of challenges for extending solidarity. The previous paragraphs have illustrated that internal frame disputes regarding 'perceived fellowship' and differences in political opportunity frames within unions for the undocumented persist (cf. Lindberg 2013). In relation to a 'communal conduct', the organisers have raised the difficulty of retaining employment for undocumented migrant workers in conjunction with union representation in conflicts. The difficulties entailed were particularly evident in the case of the SAC, where members described themselves as the primary handlers of negotiations with employers. For the union organisers this meant their role was reduced to advocacy, which they had found increasingly contested through lack of support from larger base of union members. This lack of a 'communal conduct' was attributed to both old and undocumented members. Concerning the latter, this was understood as moving on with their lives after having received residence permits, or not wanting to risk expulsion while remaining undocumented. Regarding the old members, this was related to not expressing adequate fellowship by either not appearing at blockades, or in some instances, not displaying more than 'tolerance' towards the challenges this group of workers faced. In addition to this, internal framing disputes between local union offices have occurred in which the undocumented workers' organisers were blamed for offering support to non-members and contributing to informality. These factors have together limited prospects for extended solidarity.

Similar tendencies were found in the Trade Union Centre for Undocumented Migrants (TUCUM) through referrals of workers' cases by receiving unions. The representatives have expressed frustration with unions who, despite being members in the centre, had circumscribed the centre's promise to offer representation to the undocumented in conflicts. This was raised as a sensitive matter due to the centre's intermediate position between different unions. It has signalled an absence among union members regarding 'mutual self-interest' in protecting the interests of the undocumented. This framing dispute was also associated with the 2009 resignation of Undocumented Migrants Stockholm (UMS) from the TUCUM board. Although this provided TUCUM with additional challenges in reaching out to undocumented workers, following 2012 new collaborations with civil society organisations were established and some internal tensions eased as certain member unions successively expressed stronger commitment towards cases referred to them. With these changes, a greater expression of solidarity towards another precarious category of workers, namely EU-migrants, followed.

However, with this also a stricter appraisal rhetoric of undocumented workers' 'perceived fellowship' and 'communal conduct'.

Despite the generally gloomy outlook among unions to extend solidarity with undocumented migrant workers through a diagnostic and prognostic framing consensus, these latest developments have highlighted that forging solidarity indeed has transformative qualities on union political identity. This suggests that there is need to prioritise collaborations with support organisations as means to innovate additional forms, and ways to extend inclusion to informally employed EU – and new coming undocumented – migrants who share many of the same forms of gross exploitation. Furthermore, it might be that the presently insistent emergency situation can carry future options of a more negotiable and transformative character of solidarity.

Today, the role of trade unions in assisting the undocumented is steadily assuming urgent policy relevance. Swedish authorities (as of 2015) are struggling to manage the arrival of over one-hundred and sixty-thousand refugees and asylum-seekers. In response to public unease, burning asylums and growing support for right-wing xenophobic forces, the Swedish government has, in a spectacular *diplomatic* manoeuvre, promised to refuse asylum status to approximately half this number, adopting a policy of mass deportation for those deemed 'economic migrants' rather than 'genuine' asylum-seekers (Crouch 2016). Enforcing such a return process, by way of planned chartered aircraft flights to the countries of origin, will doubtlessly prove problematic. Rather, it is more likely that a considerable number of people will chose to evade detection and avoid expulsion, inevitably becoming submerged as undocumented migrants in the lowest stratum of the informal economy. For trade unions committed to assisting the undocumented migrant workers, this will indeed reinstate the dilemma in which perceived national and sectional interests, in a general socio-political climate increasingly unsympathetic to migrants, may yet decisively confront any wider impulse to solidarity.

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