

EXPERIENCE AND PROSPECTS OF TRADE UNIONS ACTIVITY IN THE PREVENTION AND MANAGEMENT OF CONFLICT SITUATIONS INVOLVING FOREIGN WORKERS

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Abstract. Migration process is a controversial phenomenon. On the one hand, engagement of migrant workers can solve a number of problems in economic sphere, and make up for shortfall of working population. On the other hand, labour migration, consisting of a large number of contradictions, has a potential for conflict.

Many conflicts with migrants occur in the labour sphere. The causes of such conflicts are the following: illegal migration, low qualification of migrant workers, low level of their adaptation, violation of rights of labour migrants and a number of others. Labour unions, being a traditional defender of the interests of workers, along with the implementation of activities for the protection of foreign workers' rights, can act as an institution for the prevention and resolution of labour disputes, involving migrants.

Using the case-study method, we conducted the investigation of foreign experience of trade unions, in the management and prevention of labour disputes, involving foreign workers. Based on the research, the recommendations for the improvement of effectiveness of trade unions in conflict management were developed. Labour union can act as a representative of migrant workers, provide legal advice and support to migrants, represent the interests of migrants in the process of negotiations with the employer, in court, etc.

Keywords: *labour migration, conflict, labour conflict, conflict management, trade union, labour union of migrants.*

1 INTRODUCTION. Today, migration processes can be related to one of the most important social processes, which can have a significant impact on all spheres of social life. Having a large potential for conflict, labour migration becomes the subject of very contradictory assessments of both federal and regional politicians, the expert community, and ordinary citizens [1]. Significant number of conflicts, involving migrants, occurs in the labour sphere. The reasons for such conflicts are, for example, illegal migration, formation of enclave labour market, etc. At the enterprise, the causes of migration conflicts are the following: low qualification of migrant workers and poor quality of their work, low level of labour adaptation, personal causes of these conflicts, connected with psychological characteristics of the members of labour collective. It should also be noted, that the engagement of foreign workers is often accompanied not only by illegal employment, but also by the violation of social and labour rights of migrants (non-payment of wages, unfavourable working conditions, etc.).

There are frequent cases when the employer does not conclude labour contracts with migrant workers, and as a result, responsibility for observing the social and labour rights of workers is not legally enshrined. This leads to various kinds of abuses (suppression of documents of foreign workers; non-payment of wages; non-observance of labour conditions, labour protection and safety measures). The most serious violations occur in the informal sector of the economy, where it is impossible to control and bring to justice the employers for violations, infringement of rights of foreign workers, there is no social protection.

Traditional defenders of working people are trade unions. They have great potential not only in the field of conflict management with the participation of migrants, but also in the field of their prevention. The union can represent the interests of migrant workers, demand compensation for violations of rights, provide legal advice and support to migrants, represent the interests of migrants in negotiations with the employer and in court, etc. At the same time, foreign labour migrants remain not sufficiently involved in Russian trade unions.

According to Article 2 p. 4 of the Federal Law "On Trade Unions, Their Rights and Guarantees of Activity", foreign citizens and stateless persons, residing in Russia, have the right to join Russian trade unions. If labour migrants work in an organization, where the trade union already exists, then foreign workers can join it [2].

2 METHODS. In the process of theoretical analysis, we adhered to the structural-functional approach. This approach allows to identify the main elements of the conflict interaction, and the role of each of them. Identification of structural elements was the most important prerequisite for the development of recommendations for improvement the effectiveness of trade unions in conflict management.

The case-study method of descriptive type with content analysis was used in the process of collection and analysis of data. The case study method allowed to research the foreign practice of trade unions in the management and prevention of labour disputes, involving migrants.

3 RESULTS AND DISCUSSION. Our study allows us to conclude that in order to reduce the number of conflicts, involving foreign workers, and their prevention, it is necessary to increase the level of engagement of labour migrants in trade unions, located at the enterprises of the Russian Federation.

Today, Russian trade unions carry out some activities on protection the rights of migrant workers.

For example, the Trade Union of the Primorye Agro-Industrial Complex, as well as the Trade Union of Construction and Building Materials Industry Workers of the Russian Federation, actively accept migrant workers and protect their rights on a par with other members of the trade union [3]. In particular, trade unions ensure equal working

conditions and payment for Russian and foreign workers; organize labour protection and medical care; support social integration; and also participate in resolving labour disputes [4].

It should be noted, that at present in Russia the trade union is ineffective and does not inspire confidence among Russian citizens, as an institution, representing and protecting the rights of workers [5].

Inviting migrant workers to join their ranks, trade unions will not only increase their membership base, but also receive an impetus for activation of their actions on protection the rights of all categories of workers.

Representatives of the International Labour Organization have repeatedly noted the need to involve trade unions in solving the problems of labour migration. Trade unions need to prevent social dumping with the help of contracts, which stipulate the minimum wage levels, and also take part in the processes of workers adaptation.

The trade unions of Russia still have a lot of work, in order to recruit migrants into ranks of their organizations: today the share of labour migrants, who are the members of trade unions, remains extremely small.

There are a number of negative factors, which have an impact on the effectiveness of migrant trade unions in management of conflict situations with participation of foreign workers. These factors include the impossibility of migrants' protection by trade unions in the framework of unofficial labour relations, the widespread illegal migration, the lack of cooperation between Russian trade unions and migrant associations. At the same time, combining the efforts of these organizations would contribute to an increase in the share of migrants' members, their withdrawal from the informal sector.

As the experience of many trade unions shows, one of the most successful strategies is to recruit and train migrant activists, followed by the organizing "of their kind". The basis of technology effectiveness is that such activists arrive from the same countries, practicing the same religion, have the same experience as foreign workers.

For example, labour union Unite T & G in Great Britain paid close attention to the company Two Sisters Food Group. There was no union at all until 2006, and wages were lower than in other similar companies. The organizers from Unite T & G spoke with workers at the front gate entrances of the factories, went to their homes, made contacts with migrant communities and invited workers to the local union office to discuss their problems. As a result of these actions, the union, consisted of 300 members, was created in Two Sisters. In those areas, where workers were organized in the union, wages increased by almost 12% [6].

Negative factors include the absence of a permanent job for a migrant or seasonality of work, as a result of which there is a loss of contact with the trade union. The next factor is the fear of migrants to lose their competitiveness in comparison with the citizens of the Russian Federation. If the union demands for them the compliance with labour laws, increase in salary and social guarantees, migrants will not have an advantage over local workers, and the employer will lose all benefits from engagement of foreign workers.

Another factor is the lack of contacts between trade unions of Russia and trade unions of countries of labour migrants' origin, the lack of joint programs, which can begin with providing information to migrants about the possibility of membership in Russian trade unions before departure and after arrival in the host country. Unorganized migrants are very vulnerable to exploitation: they often don't have sufficient legal literacy; they may not know where to come in cases of infringement of their rights, violence or exploitation.

It is in the interests of trade unions to explain to migrants what are the acceptable working conditions and living standards in the country, the minimum wage, and why migrants should not agree for fewer wages. The migrants should be told about the advantages of joining a union, what forms of protection it can offer them. The most effective is the provision of information in languages, used by the majority of migrants. Translation can be provided by joining forces with the trade unions of the country of origin, local migrant organizations, and diasporas.

For example, the Cyprus Federation of Hotel Industry Workers (OEXEV-SEK) published a booklet for migrant workers, who intended to work in the industry. Migrants have the right to enjoy all the benefits of collective agreement, concluded with the trade union [7]. The Swedish Municipal Workers Union, Kommunal, issued a brochure for temporary migrant farm workers in 6 languages: Latvian, Lithuanian, Ukrainian, Russian, Polish, and English. It contains information on minimum wages in the country's agriculture, on the right to pay for overtime and work on weekends and public holidays, and the right to work in safe conditions. Migrants are also entitled to sick leave for up to 14 days and can take advantage of several types of insurance, provided by the collective agreement, concluded by Kommunal. This Union distributes flyers to migrants when they leave the ferries [8].

It is also necessary to increase the use of the Internet as a means of informing the migrants about their rights. The trade unions of Lithuania, Latvia and Estonia, together with the trade unions of Denmark, Sweden, Finland and Iceland, created a website, which serves as an information network for migrants, and contains information on trade unions and labour legislation of different countries. Visitors of the site can get the information about the latest developments, related to investments, and the situation on the labour market in the regions.

Trade unions have great potential for resolution of conflict situations, involving migrants: represent the interests of migrant workers; include equality principles for everyone in collective agreements; make direct employers responsible for all workers; demand compensation for violations of rights; provide legal advice and support to migrants; represent the interests of migrants in negotiations with the employer and in court; fight against the employers, using illegal forms of employment; help to improve the living conditions of migrants.

For example, twelve women from Latvia, who worked in Ireland at mushroom farms, joined the Services, Industrial, Professional and Technical Union (SIPTU) to fight for their rights, but they were subsequently dismissed.

They worked on the farm 16 hours a day, seven days a week, while receiving a small salary, overtime work was not paid. SIPTU began to defend the workers, and brought the action to the labour court judge. The court recognized the dismissal of female workers as illegal, and awarded to pay them compensation [9].

The conclusion of collective agreements is very important for the protection of rights of foreign workers. In Sweden, there is an agreement between trade unions, employers and the state. According to it, the social partners (employers and trade unions) determine the general conditions of work and the size of employment funds without government intervention.

Collective agreement, concluded between the trade union and the employers' organization, is applicable to all workers, irrespective of whether the workers join the union or not, and whether they are local workers or migrants. Seasonal and permanent workers receive the same wage, at the level specified in the contract, which is mandatory for each employer.

Kommunal actively encourages migrants to join its ranks, so that the workers can take advantage of membership in the union, and consolidate the collective agreement.

For example, when the migrant from Lithuania, who worked on a farm in Sweden, joined the Kommunal trade union and received a copy of collective agreement, he found violations of the contract provisions. Kommunal began negotiations with representatives of the employer, who as a result paid the employee a sum of money. Kommunal also helped three Polish workers to get the money. These people worked at the vegetable farm and found that their wages were much lower, than those, which they should have [10].

Unions need to conduct public awareness activities on the contribution of labour migrants to the local economy and their rights. Some part of the local population considers labour migrants, arriving in their country, as a threat. Trade unions can help to reduce the level of conflict in relations between migrants and local residents. In order to do this, they should raise the awareness of their own members and encourage them to have a positive attitude towards migrants in their social environment, actively fighting against any manifestations of racism and xenophobia.

It is necessary to raise public awareness of the problem of migration as much as possible, using the press, radio and television. Some trade unions use creative approach. In 2003, the American union UNITE-HERE, which is known for its successful creation of migrant trade unions in hotel business, organized the Rally for the rights of immigrant workers. Almost a thousand people, representing more than 50 nationalities, crossed the territory of 42 states, on 18 buses, on 10 different routes, convincing people of the need to protect the rights of migrants. In April 2004, Debbie Anderson from UNITE-HERE told the IUF Women's Committee that this action helped to unite trade unions and groups of citizens, opposed to politics, hostile to migrants [11].

4 SUMMARY. Improvement of the effectiveness of trade unions in the prevention and management of conflict situations with the participation of foreign workers is a complex task, which is connected with the use of a number of measures.

Despite the fact, that Russian trade unions carry out some activities for protection the rights of foreign workers, the share of labour migrants, involved in these organizations, is extremely small. Some difficulties arise in the process of migrants' engagement in trade unions. This is connected with the impossibility of protection of migrants by trade unions in informal labour relations, the unwillingness of Russian trade unions to cooperate with migrants' associations, the lack of a permanent job for migrants, the fear of migrants to lose their competitiveness in comparison with local workers, the lack of contacts between Russian trade unions and trade unions of countries of labour migrants origin.

Overcoming of these obstacles requires an integrated approach, combining the efforts of a number of organizations: the establishment of cooperative relations of trade unions with associations of migrants, the cooperation of trade unions of different countries.

The most effective is the provision of information in the languages of foreign workers. In addition, the Internet, as well as television, should be used as sources of information for migrants.

Collective agreement plays a significant role in the protection of rights of foreign workers. One of directions of trade unions work should be the improvement of living conditions of migrants, and raising the public awareness about the contribution of labour migrants to economic and their rights.

5 CONCLUSIONS. Labour migration is a complex, controversial, and conflict-ridden phenomenon. The causes of conflict may be illegal migration, low qualification of migrant workers, low level of their labour adaptation, as well as the violation of social and labour rights of migrants, and a number of others.

Based on the study of foreign practices of trade unions in the management and prevention of labour conflicts with the participation of migrants, we developed recommendations for improvement the efficiency of trade unions in conflict management, and for reduction of conflict potential in the sphere of labour migration.

Trade unions have great potential for the prevention and resolution of conflict situations, involving migrants. Labour union can act as a representative of migrant workers, provide legal advice and support to migrants, represent the interests of migrants in the process of negotiations with the employer and in court, fight against employers, using illegal forms of employment, help to improve the living conditions of migrants, etc.

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