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HR Policies for Labour Migrants: A Process still in its Infancy?

Jan Cremers *

Abstract

The aim of this article is to explore HR policy areas that are applied for migrant labour, independent from the type of hiring or recruitment. The author discusses a series of opinion surveys, dedicated to these areas, among these workers in the Netherlands. The literature often speaks about a dichotomy in HR policies between the 'high road' and the 'low road'. The 'high road' is characterised by a 'humane' policy, while the 'low road' is instrumental. The surveys lead to the conclusion that, in many (user) undertakings, the recruitment of labour migrants is left to the planning department, resulting in an instrumental approach. The complete absence of dignity and care is characteristic for a 'hard' HR approach, a fate that migrant workers share with other marginalised labour market groups. At the same time employers glorify the 'work ethic' of migrant labour, without further attention for the motives that brings them to the Netherlands. The contribution ends with a plea for a more active role on the part of HR management in the deployment of labour migrants.

Keywords: Labour migration; HRM; Labour mobility; Workers' rights; Labour standards.

1. Introduction

This contribution explores several HR policy areas that can be assessed from the perception of migrant labour present at the workplace. In particular, the housing, working and living situations of labour migrants

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are examined. Over the past decade, a team from the Tilburg Law School analysed the labour market effects of the cross-border recruitment of large numbers of migrant labour. Long-term cooperation with the Labour Inspectorate and trade unions facilitated the analysis of “employer behaviour” in employing such workers. Based on desktop research and local employer surveys performed earlier, the team had already concluded that the anger caused by unequal treatment in the workplace undermined motivation and commitment, even though in many cases migrant labour was necessary to keep production going. This contribution refers to a recent series of opinion polls and surveys among migrant labour in the Netherlands. Analysis of additional qualitative and quantitative research leads to a plea for an active role on the part of HR management in the deployment of labour migrants. In several branches labour migrants constitute, in the meantime, a structural segment of the labour force. After the outbreak of the corona pandemic, it became manifest that labour migrants conduct many essential, vital functions. In HR policy, this is hardly reflected in suitable care and paid attention. In many (user) undertakings, the recruitment of labour migrants is left to the planning department, resulting in an instrumental approach. The literature on investments in human capital within organisations often refers to a dichotomy between the “high road” and the “low road”. The “high road” is characterised by a “humane” HR policy, while the “low road” is instrumental. The rationale is that the first category will be better off because motivated personnel can be an important competitive advantage. Based on the research in the Netherlands, it can be concluded that the second approach predominates for migrant labour. The complete absence of dignity and care is characteristic for the “hard” HR approach, a fate that migrant workers share with other marginalised and precarious groups on the labour market. At the same time employers glorify the “work ethic” of labour migrants, without further attention for the motives that bring them to the Netherlands. However, being treated like a number does not exactly work as a binding force. The quoted opinion polls among migrant workers reveal that this population does make trade-offs that can play a role in developing a successful and more sustainable recruitment, if appropriately translated into HR policy.

2. Background

In the last decade, the presence of large numbers of foreign workers on the labour market has become more prominent. Although research has been conducted for decades and policy recommendations have been

formulated for a more active role on the part of HR management when it comes to the deployment of labour migrants (see, for example, ILO¹), the involvement of the human resources department in relation to migrant workers is in many cases non-existent. The majority of these workers comes in via the temporary agency formula and is therefore not seen as “own staff”. This view seems difficult to reconcile with the observation during the first months of the corona pandemic, namely that migrant workers perform essential, vital functions in many workplaces. It also contradicts our local research in which user undertakings firmly stated the expectation that they would need labour migrants in the company in the future. In general, little research has been done on the perception by migrants of their (poor) working conditions. However, based on local research, a 2018 report concluded that unequal treatment in the workplace undermines the employment of migrant workers, while in many cases this employment is necessary to keep production upright.²

From an HRM perspective, there are several reasons for a more active personnel policy towards labour migrants, whether or not the recruitment passes through temporary work agencies. Legally, it is correct that the employer's responsibility basically lies in the hands of the temporary work agency. However, this does not release the user undertaking from a number of obligations that normally form part of HR work. Some rights apply, independent from the type of hiring or juridical status.³

Obligations arise from legislation and regulations, for both the user undertaking and the temporary work agency. For example, occupational safety and health legislation provides that, in the event of the presence in a workplace of personnel from several employers, including temporary agency workers, there is shared liability and responsibility regarding health and safety at that workplace. This entails, among other things, obligations regarding safety regulations and instructions, and the correct provision of information, available in the required languages. In this context, reference can also be made to the obligation to verify the applicability of legally binding collective agreements and other mandatory prescriptions, such as a statutory minimum wage, by the user undertaking. The liability in this

¹ ILO, *Towards a Fair Deal for Migrant Workers in the Global Economy*, Report VI, 92nd Session, International Labour Conference, Geneva, 2004.

² J. Cremers, M. Houwerzijl, *INT-AR eindrapportage: Onderzoeksprogramma internationalisering arbeidsmarkt/HRM-beleid*. Tilburg Law School, Tilburg, 2018.

³ L. Keith, *Guide to Undocumented Workers' Rights at Work under International and EU Law*, Platform for International Cooperation on Undocumented Migrants, Brussels, 2022.

area is merely based on soft law, and currently an important part of the corporate social responsibility and due diligence debates.⁴

If the HR policy is aimed at increasing the well-being of workers and improving the functioning of a firm, there are several reasons for a more active attitude. For example, various publications have pointed to the underutilisation, the consequence of a mismatch between the educational level of many labour migrants and the work to be performed. This is often the result of a lack of investment and increases the risk that people will not stay long. As a result, it will be constantly necessary to introduce new people. This is a missed opportunity against the background of the current elevated level of labour shortages. Moreover, scholars have pointed out that it is at the expense of productivity and continuity in the labour process. But above all, it detracts from the meaning that work can have for people.⁵

This contribution explores some areas that belong to an HR policy that takes into account the perception of all workers at the workplace, regardless of the form of recruitment. The local research referred to beyond found that user undertakings often throw all the responsibility too easily over the fence. This is not only indecent and irresponsible; it makes working in and for a company unattractive and counterproductive in the long run. For the sake of convenience, I refer to other publications about the socio-economic consequences for the workers involved.⁶ In this article, the emphasis is more on the broader well-being and living situation. In the first section, I briefly sketch out the picture that emerges from qualitative research into the housing, working and living conditions of labour migrants. An important part of the argument in this section is

⁴ In the Netherlands, user undertakings must check the applicability of general binding agreements when using temporary agency workers. If there is an agreement in the sector that is binding, temp workers must be paid accordingly, after a first period of service falling under the agreement for the temporary agency sector.

⁵ C. Forde, R. MacKenzie, *Employers' use of low-skilled migrant workers: Assessing the implications for human resource management*, *International Journal of Manpower*, vol. 30, n. 5, Emerald Publishing UK, 2009. 437-452.

J. Cremers, H. Van den Tillaart, *De resultaten van het 1e arbeidsmigrantenpanel: Een eerste onderzoek naar de woon-, werk- en leefsituatie van arbeidsmigranten in Nederland*. Het Kenniscentrum Arbeidsmigranten, Tilburg, 2021.

J. McGrath, *Report on Labour Shortages and Surpluses*, European Labour Authority, Information and EURES Unit, Bratislava, 2021.

⁶ J. Cremers, *De zoektocht naar goedkope arbeid ondergraaft het arbeidsbestel*. *ESB Dossier*, vol. 102, n. 4754S, Amsterdam, 2017. 61-65.

J. Cremers, E.J.A. de Volder *Arbeidsmigratie in Noord-Brabant - de markt en de mensen(bandel): Een inventarisatie*. CoMensha, Amsterdam, 2020.

substantiated with the results of local research among employers who currently and in the future rely on the deployment of migrant labour. This is followed by a section that briefly summarises the results of three opinion polls among labour migrants, conducted by the Knowledge Centre for Labour Migrants. Based on these sections, I discuss the sustainability of the current practice of hiring migrant labour and its consequences for industrial relations. Finally, I formulate suggestions for a more humane personnel policy for labour migrants, pointing at aspects of social policy that are important in shaping an inclusive HR policy.

3. What do we Know from the Existing Literature?

After the creation of the Single Market in the EU, cross-border job placement and recruitment of workers became an integral part of supply and demand at the national labour markets. And while transnational mobility may appear to be modest in numbers on a macro scale, many industries have become dependent on this form of employment. Employers chose to attract CEE-workers because of the scarcity on the national market of available workers who were willing to perform the unattractive, temporary, repetitive routine work on the offered terms of employment and working conditions. Nowadays, migrant workers have become a structural segment of the labour force in large parts of the business community. Regularly, this is done by using pay models that exploit loopholes in the legislation and are at odds with the principle of equal pay for equal work.

The perception of the working and living world of these labour migrants varies widely. On the one hand, temporary work agencies and user undertakings emphasise, when asked, that these employees are hard workers, well-motivated and willing to do work for which native workers are no longer available, and that for appealing (low) pay and employment conditions. Even employers themselves speak of dirty or monotonous work, with a bad image. The reasons why employers work with labour migrants are a combination of scarcity, cheapness, demanding work, a job offer that others do not accept, the much-vaunted work morale and flexible employability, in short, an excellent “price/quality ratio”.⁷

The majority of the employers surveyed in our local surveys expects to (have to) make use of migrant labour in the future. On the other hand, alarming reports regularly appear in the media about dangerous and

⁷ *Cremers, Houwerzijl op. cit. 2.*

unhealthy work, underpayment, abominable living conditions and labour exploitation. Current legislation and regulations often turn out to be a toothless tiger when it comes to combating abuse and undesirable poor living and working conditions. A Dutch report that reviews existing abuses speaks volumes in this regard. After talking to migrant workers about their experiences, it was found that they regularly feel treated as second-class citizens who are confronted with numerous barriers that hinder their full participation. In addition, access to justice is problematic because of language problems, opaque procedures and little help in the social environment.⁸

In the international literature on labour migration, a picture emerges that is generally endorsed when it comes to the position of labour migrants at the lower end of the labour market. This literature provides an insight into possible risks and problems encountered by labour migrants at the “bottom” of the labour market.⁹

- In general terms, the majority of labour migrants is active in occupations below their educational level. This mismatch between competences and qualification and the work carried out in the host country is caused by arbitrary indirect recruitment and to a smaller extent the result of a lack of recognition of diplomas.¹⁰
- Main benchmark during the recruitment is the physical employability and capacity. For example, an OECD study in 2003 referred already to selection criteria that were only slightly based on education.¹¹ In a study for the ILO, it is stated that while a growing level of education can be observed everywhere in Europe, it leads to an imbalance, especially among migrants, which is largely due to the vulnerable position they occupy in the labour

⁸ <https://open.overheid.nl/repository/ron1-404846f9-9f80-400f-90c3-0c9a8b0fd036/1/pdf/Geen%20tweedereangsburgers-Interactief.pdf>

⁹ Summarised among others in:

FRA, *Protecting migrant workers from exploitation in the EU: workers' perspectives*, Publications Office of the European Union, Luxembourg, 2020.

Eurofound, *Living, working and Covid-19, Covid-19 series*. Publications Office of the EU, Luxembourg, 2020.

ETUI, *Work, health and Covid-19: a literature review*. ETUI, Brussels, 2020.

¹⁰ F. Biagi, S. Grubanov, J. Mazza, *Over-education of migrants? Evidence from the EU*, Ispra, JRC115881, European Commission, Luxembourg, 2019.

M. McAuliffe, A. Triandafyllidou, (eds.), *World Migration Report 2022*. International Organization for Migration (IOM), Geneva, 2021.

¹¹ M. Doudeijns, J.C. Dumont, *Immigration and Labour Shortages: Evaluation of Needs and Limits of Selection Policies in the Recruitment of Foreign Labour*, OECD, Brussels, 2003.

market and the limited opportunity they are offered to use their skills.¹²

- Migrant labour is more often employed in low-quality and low-paid 3D occupations with a high workload, an ILO term for unhealthy, dangerous and heavy work (dirty, dangerous, demanding). As a result, labour migrants are regularly exposed to higher security risks.
- The fact that migrant workers often are engaged indirectly for a user company, through intermediaries, employment agencies or subcontractors, carries the risk of less attention to occupational health and well-being in the workplace, of insufficient protective equipment, and limited access to general health care.
- The language barrier and the lack of instruction and information in their own language form a major barrier to access to and understanding of safety regulations, occupational health information and other facilities.
- Migrant workers are less likely to report sick for various reasons (insufficient insight into how the system works, unfamiliarity with local facilities, fear of dismissal or loss of income).
- Other provisions in terms of personnel care or welfare and, for example, secondary or tertiary employment conditions usually do not apply.
- The language barrier and the lack of access to education and training are barriers that seriously impede their career. This reduces the prospect for the labour migrant and (partly) explains the high replacement demand in this segment of the labour market. Another related phenomenon is that long-staying labour migrants will try to leave precarious, unhealthy and heavy work in the long run.
- The lack of challenges can affect both the search behaviour (and possible departure) of labour migrants, as well as the belief in their own abilities and the motivation to develop. Some authors speak of a process of the loss of qualifications and skills (“deskilling”). This development can hinder the proactive behaviour that is necessary for an improvement of the labour market position.¹³

¹² T. Sparreboom, A. Tarvid, *Skills mismatch of natives and immigrants in Europe*, ILO, Geneva, 2017.

¹³ P. Kerti, B. Kroon, *De invloed van werkomstandigheden in Nederlandse distributiecentra op inzetbaarheidsovertuigingen van Hongaarse free movers*. *Tijdschrift voor Arbeidsvraagstukken*, vol. 36, n. 2, Amsterdam University Press, Amsterdam, 2020. 177-194.

- Research into housing conditions regularly reveals unhealthy living and housing situations, poor sanitary facilities and poor hygiene. Many jobs performed cannot be filled by working from home, while research shows that the risk of contamination in the workplace is high. Statistics show a higher COVID-19 death rate for professions that do not lend themselves to working from home than for professions that can be easily practiced from home.
- Reference is regularly made to the brain-drain effect on the home country of the withdrawal of skilled workers, who are subsequently employed in low- or unskilled work in another country. It easily leads to the emergence of significant shortages of skilled workers in the country of origin. A high outflow hampers economic development.¹⁴

From the perspective of the host countries, this leads to missed opportunities. The possible contribution of labour migrants in solving labour market shortages that arise in skilled work (now and in the future), and for which (some) vocational training is essential, is ignored.

4. How do Labour Migrants View Working and Living in the Netherlands?

The cited literature shows that employers often praise the labour migrants because of high work morale, with great involvement and flexibility. Migrant workers are willing to do physically demanding work at irregular times and to work long hours. They can and want to work more because they have fewer social contacts far from home. That is one of the reasons why they do not have a 9 to 5 mentality. They are willing to work many hours and entrepreneurs sometimes even have to “put on the brakes”. In this context, researchers speak of a glorification of the “good worker”, which may also primarily be an expression of the employer's preference for workers over whom they can exercise maximum control.¹⁵ An English field study found that the vaunted work ethic was not so much about hard work, but more about the willingness to work long hours at random times, as well as the willingness to work on weekends. Or, as one user undertaking puts it: “no, I wouldn't say they work hard, but they're prepared to come in at seven in the morning and finish at ten at night if

¹⁴ A. Zaiceva, *Post-enlargement emigration and new EU members' labor markets*, IZA World of labor, Bonn, 2014

¹⁵ B. Anderson, M. Ruhs, (eds.), *Who Needs Migrant Workers? Labour Shortages, Immigration and Public Policy*, Oxford University Press, Oxford, 2010.

you ask them to”.¹⁶ The user undertaking can order the required number of workers at any time. Their living conditions do not really matter, and the housing is not important, as long as there is no nuisance. The rest can be left to the planning department.

The question is whether this image of the uncomplicated, always prepared employee is correct. For this we can consult three opinion polls, which were carried out in 2021 and 2022 by I&O Research on behalf of the Knowledge Centre for Migrant Workers. In these polls, migrants were asked about their opinion, feelings and experiences regarding their housing, working and living conditions. The polls examine the perception of the interviewed labour migrants and reflect ideas and motives that are prevalent among this population. The first survey examined the living situation, but also questions about social participation and integration in the local environment, about work and working conditions and about career prospects. The second survey was about the experiences of labour migrants with the care and health facilities in the Netherlands, with safety and health at the workplace and with occupational healthcare. The third survey focused on the themes of provision of education, (re)training and other career related facilities. The polls do not provide a representative picture of all migrant labour in the Netherlands but can give an indication of the opinions of different categories of labour migrants working on the Dutch labour market, including the category of high-skilled working migrants. The polls deal with their (objective) situation as well as with the way in which they experience that situation.

Working, Housing and Living

The first survey focused in particular on the themes of housing, working conditions, integration in the local environment and future prospects.¹⁷ Central questions were about satisfaction with the stay in the Netherlands, an assessment of their living and working conditions, participation in the local community and one's own future prospect (in the Netherlands). In the synthesis, a division is made between workers in low-skilled jobs and workers in high-skilled jobs. This dichotomy is *based on the performed work and the related pay*. Low-skilled worker means in this context thus a worker

¹⁶ P. Thompson, K. Newsome, J. Commander, ‘Good when they want to be’: migrant workers in the supermarket supply chain. *Human Resource Management Journal*, vol. 23, n. 2. London, 2013. 129-143.

¹⁷ Cremers, *Van den Tillaart op. cit.* 5.

who performs low paid and low qualified work with few skill requirements.

The interviewed labour migrants usually cite a combination of reasons for working in the Netherlands: better working conditions, job opportunities, opportunities for personal development and the Dutch living climate. A striking finding of the first survey (with 1,634 respondents), however, was the mismatch between the education received in the home country and the education or training required for the work to be carried out in the Netherlands. This imbalance was particularly evident in the category of low-skilled workers from Central and Eastern Europe. In the category of low-skilled working CEE-workers, 54% had a secondary or higher education, while only 19% worked at that level in the Netherlands.

Although three quarters of the labour migrants surveyed were (very) satisfied with their stay in the Netherlands, the satisfaction score for all categories of labour migrants was lower than for the Dutch population. Migrant workers reported fewer positive aspects of their stay in the Netherlands, with housing and living conditions being the most frequently negatively mentioned. Among all the 1,634 labour migrants surveyed, there are even more with a negative opinion about their housing and living conditions (40%) than with a positive opinion (25%). A stark contrast with the Dutch population, who are more than 85% satisfied with their housing. Almost half of all interviewed labour migrants (46%) would like to exchange their current living situation for another, a percentage that continues to rise among low-skilled workers (to 56%). The low-skilled CEE-workers labelled housing only to a small extent (14%) as a positive aspect of staying in the Netherlands, while a large part of this category (40%) explicitly refers to housing as a negative aspect. This looks even more negative for temp workers: only 13% of people with a temporary agency contract mention housing as a positive aspect of staying in the Netherlands. This shows that housing really matters.

When asked about their positive experiences in the Netherlands, less than half (45%) of all labour migrants mentioned their working conditions as a positive point, with 10% mentioning the working conditions as a negative experience. Once again, the category of low-skilled working CEE labour migrants stood out with as many negative and positive experiences (21% and 26%), respectively. Migrant workers come to the Netherlands to work. Therefore, their employer will play a vital role in whether they feel valued or not. Of the labour migrants who feel valued by the Dutch (one in three), 84% think they are treated well by their employer, of the labour migrants who do not feel valued by the Dutch (three out of ten), only 55% say they are treated well by their employer. In particular, low-skilled

working CEE-workers and from the rest of the world see less opportunities to express any dissatisfaction to their employer. A key driver for coming to the Netherlands among the labour migrants surveyed is that they can earn a higher salary than in the country of origin. The most frequently mentioned considerations for staying in the Netherlands are therefore salary and job opportunities. Rising wages in their own country are the most frequently cited argument for returning, especially for CEE-workers in low-skilled work. In doing so, they send a clear signal that the recruitment attractiveness of the salary level in the Netherlands is relative. Without adequate measures, it will probably not be possible to maintain the number of migrant workers for low-skilled jobs. Knowledge workers also quite often indicate that they want to exchange the Netherlands for another country. The picture that emerges from the poll is that a substantial proportion of the labour migrants working in the Netherlands (43% of all respondents) would like to change the Netherlands for their home country or any other EU country, depending on the salary offered and good job opportunities, in addition to being closer to family and friends.

Care and Welfare, Occupational Healthcare

The second survey aimed to provide a picture of the knowledge of access to, the lack of and use of health care and occupational safety and health provisions among migrant workers. This poll had fewer respondents (more than 600). However, the participation was sufficiently large to provide insight into the perception of labour migrants of some relevant themes related to health care and occupational health and safety.¹⁸

The provision of information about healthcare in the Netherlands is diverse. A majority of respondents answered in the affirmative to the question of whether information was provided upon entry. However, the category of low-skilled CEE-workers in particular was informed for less than half (44%). In addition, young people scored very low (14%), and labour migrants with a temporary agency contract remained far below the average (with 39%). The question about their own knowledge of Dutch healthcare also produced a mixed picture: 30% indicate that they were well informed, 36% were not and 34% gave a neutral answer or did not know. Worrying is that a third of the respondents indicated that their

¹⁸ J. Cremers, *Hoe denken arbeidsmigranten over gezondheid en zorg in Nederland? De resultaten van het 2e arbeidsmigrantenpanel*. Het Kenniscentrum Arbeidsmigranten. Tilburg, 2021.

health changed since their arrival in the Netherlands. It is particularly striking that 49% of temporary workers speak of a deteriorating health. Trust in healthcare providers is not particularly high, certainly not compared with the trust among the Dutch population.

Several questions had the purpose to gain insight into relevant occupational health and safety aspects and provisions. The results regarding OSH-policies show that this form of personnel care for migrant labour is in its infancy. The questionnaire was drawn up in line with the questionnaire of the National Survey on Working Conditions.¹⁹

Analysis of the results made clear that protection in the workplace for the majority of labour migrants is non-existent. The answers to the questions whether a safety coordinator or prevention officer, an occupational doctor or health service or a confidential adviser were available, proved to be very discouraging. A majority signalled the absence of such policy, with one third of respondents (34%) unaware of provisions regarding dangerous or unhealthy workplaces, and 23% indicating that nobody was accountable. The occupational health service was only visible to 5% of all respondents. This finding is even more accentuated among temp workers, with 41% indicating that they had no knowledge of any of these provisions, and 34% that nobody was accountable. Half of respondents (50%) had never received an explanation of the function or presence of a company doctor or occupational health service, 27% had never received personal protective equipment, 23% had received no safety instructions and 22% never received any details about reporting sick. The results on, for example, the provision of safety instructions also show a significant difference between the respondents with permanent contracts (17% never) and the respondents with a temporary contract or working as temporary agency workers (both 30% never). For low-skilled working the outcome was even worse, for instance, more than 60% stated that the function of an occupational health service never had been explained.

The way in which respondents were informed or instructed in the field of safety regulations, the provision of personal protective equipment, reporting sick, contact with the company doctor/company health service and the participation in preventive examinations were also discussed. In the last 12 months, instruction about reporting sick came first (with 51%), followed by the provision of safety instructions (with 47%), the provision of protective equipment (34%), explanation about occupational physician

¹⁹ TNO/CBS, *NEA - Nationale Enquête Arbeidsomstandigheden 2020*, TNO|CBS Leiden, Heerlen, 2021.

or occupational health service (25%), and finally on preventive research (13%).

Finally, the opinion of the labour migrants about necessary occupational OSH-provisions is interesting. The respondents were presented with a list of twelve aspects related to the working conditions policy. The question was asked whether the company should take measures in this area.

Comparison of the five most mentioned OSH-areas.²⁰				
Answer: yes, OSH-policy is necessary				
Measures:	All respondents	Low-skilled workers	CEE-	Dutch labour force
Work pressure, stress	59%		63%	37%
Emotional hard work	48%		57%	15%
Noise, temperature, illumination	42%		63%	9%
Lengthy screen work	39%		16%	24%
Physical hard work	35%		58%	13%

Respondents could answer with yes or no, but also with an indication of whether measures were necessary because the measures taken were insufficient. The answer was summarised in a table in order of importance. The answers by all respondents (1st row), the category of low-skilled working from CEE-countries (2nd row) and, for comparison, the answers in the National Survey on Working Conditions 2020 among the Dutch labour force were examined.²¹

The highest score when it comes to the absence of policies regarding work pressure and work stress is expressed among low-skilled working from CEE-countries (63%). They also attach significant importance to the aspects of noise, temperature and lighting (63% indicate that measures are necessary). Measures related to physically demanding work score high as well among the low-skilled working from CEE-countries (58% indicate that measures are necessary), followed directly by policies on emotionally demanding work (57%). All other categories lag far behind.

Comparison of the answers about the need to take the various occupational health and safety measures for both the total group of

²⁰ Simplified table based on Cremers 2021 op. cit. 18.

²¹ J. Cremers, *Invisible but not unlimited - migrant workers and their working and living conditions. Transfer*, Sage, vol. 28, n. 2, 2022. 285–289.

respondents and for the category of low-skilled working from Central and Eastern Europe, with the NEA 2020 outcomes for the total Dutch workforce, shows major differences. A vast majority of Dutch workers (87%) thought in 2020 that no (additional) occupational health and safety measures were necessary regarding physically demanding work. By far the largest part of all Dutch workers (97%) thought that no (additional) health and safety measures were necessary regarding hazardous substances. This also applied to a lesser extent to measures relating to safety or industrial accidents (94%) and viruses, bacteria or fungi (89%). In 2020, 15% of Dutch workers indicated that (additional) occupational health and safety measures were needed when it comes to emotionally demanding work and almost 4 in 10 workers wanted (additional) measures for work pressure and work stress.²²

The comparison with the NEA results shows a large gap between the level of OSH-provisions for the Dutch workforce and for migrant labour. In summary, it can be stated that the low-skilled working migrant worker in particular is poorly informed about relevant occupational health and safety provisions, as well as about institutions to be consulted in the event of illness. The contract form appears to be an important variable; respondents in temporary contracts and temporary agency workers score lower than people in permanent employment. And, more importantly, migrant workers are deprived of measures that are pertinent in their own judgment. This is an undesirable situation, especially since labour migrants are more often employed in low-valued and low-paid occupations with a high workload and physically demanding work.

Education, Training and Career Prospects

The third survey focused on the themes of provision of education, training and other career related facilities.²³

Central questions were about the intention paid during the selection procedure for issues of education and vocational training, about the information provided on possible (further) education and training facilities, about the occurrence of these facilities and the actual use. The respondents also had to answer questions about their participation, their motivation, and ambitions in this respect.

²² TNO/CPB *op. cit.* 19.

²³ J. Cremers, H. van den Tillaart, *De scholing en loopbaanbegeleiding van arbeidsmigranten - een wereld te winnen. De resultaten van het 3e arbeidsmigrantenpanel.* Het Kenniscentrum Arbeidsmigranten, Tilburg, 2022.

The survey results confirmed that the attention paid to, and the recognition of the pursued education and training followed in the home country is very low. A quarter of the respondents were not interviewed at all, and about 50% of the respondents stated that diplomas had no impact on their recruitment. In one-third of the cases competences and qualifications were not touched upon. Looking beyond the results at aggregate level, the type of contract seems to dictate the policy: only 10% of the temporary agency workers confirmed a match between their education and the work carried out, against 40% for those that work in a direct temporary work contract and 49% for workers with a permanent contract.²⁴

In case of training facilities, almost all attention is paid to informal learning by doing and functional instruction at the workplace. Overall, 29% of the sample never received a training offer (for workers dealing with low-skilled work this was 36% and for workers with a temporary agency contract 43%). The consequence is that more than 75% of the respondents does not participate in a training course or other educational activity. The worst score is for CEE-workers in low-paid, low-skilled jobs (only 14% participates) and temp workers (6%). In contrast, the motivation to participate is remarkably high: around 80% of all labour migrants would welcome (further) education and training.

The migrant workers were asked whether they are guided in the performance of their current work, i.e., whether there is someone who fulfils the role of mentor, source of information or point of contact for them. A majority of labour migrants (53%) has neither a mentor nor a contact person who they can turn to with questions about their work. A third of all respondents would like to have such a mentor or contact. The question whether the company uses some form of career guidance (advancement in the current or another job) is answered in the affirmative by a quarter of the respondents. The supply is ten percentage points higher for high-skilled workers and workers with a permanent contract. If provided this option is always used. Based on the outcomes described earlier, it was to be expected that there would be a great need for career guidance. The answer *no, but I would like to*, therefore scores very high, with outliers among the youngest group and the low-skilled workers from the CEE countries. Temporary agency workers hardly get any offer in this area, while labour migrants with this contract form say with a large

²⁴ In comparison: 61% of the Dutch labour population confirmed this match (see NEA 2020, *TNO/CPB op.cit.19*).

majority (65%) that there is a need. Labour migrants with a permanent contract are considerably better off than labour migrants who work in flexible contracts. Temporary workers score exceptionally low on all the facilities mentioned. In the eyes of employers, low-skilled working migrants, and especially low-skilled working CEE-nationals, are less interesting for long-term relationships than high-skilled workers. Consequently, they are less informed of or eligible for forms of training and associated incentives.

A large number of respondents experiences a discrepancy between wish and possibility: the wish to grow in their own work on the one hand, and few or no opportunities on the other. Just as many respondents believe that their current work offers no opportunities for growth as the respondents who do have or see this perspective. It is not surprising that more than half of the respondents indicate that they would like to follow a course in order to improve the perspective for other work.

It can be concluded that the results show that labour migrants receive less training compared to the Dutch workforce. Labour migrants more often experience a discrepancy between their training wishes and the opportunities they receive from the companies where they work. The emphasis in the offer seems to be more one-sided on functional training and guidance in the workplace. Their knowledge and skills are primarily viewed from a short-term perspective, which is one of the reasons why career guidance has little priority. In many cases the work is not very specialised, and the existing qualifications and skills appear to meet the needs of the user undertaking. Partly because of this, the importance of permanent education is less recognised. In summary, low-skilled working CEE citizens are more likely than the other groups to be seen by employers as unattractive for investment in training, especially in training that requires relatively more long-term investment. In view of the recorded willingness and ambition, we call this a serious misconception.

5. Consequences for Industrial Relations

A few decades ago, it was fashionable to talk about the “high road” or the “low road” when it came to investment in human capital within organisations. The first approach was characterized by a “humane” personnel policy, while the second approach had an instrumental view. The rationale was that the first category would be better off because motivated personnel can be a key factor in the competition. On the basis of the results of the quoted surveys, it can be concluded that the second approach is the predominant one with regard to labour migrants. The

complete absence of attention and care is also referred to in the literature as the “hard” personnel approach, a fate that migrant workers share with several marginalised and precarious groups on the labour market. In the search for cheap labour, reduction of labour costs is paramount, with as few obligations and investments as possible. Hence the enormous growth of outsourcing and the externalisation of labour. An important characteristic of externalised labour is the resulting unequal treatment between the permanent core of direct labour and the “flexible layer”. This has led to situations in which labour migrants depend on their employer for their work as well as for their housing and living situation.

For a long time, the availability of a large potential reserve army of labour allowed such an approach, with the intermediary brokers in some cases using authoritarian pressures, such as high deductions for housing and transportation and fines for “misconduct” and “insufficient performance in work”. Housing in an unknown environment means that pressure can be exerted in any case, and there is a risk of loss of work (and housing) in the event of illness or an industrial accident. What this does to the employee has been recorded by several anthropologists during fieldwork among migrant workers. That ethnographic work illustrates how workers try to deal with this dependency. In part, there is an internalisation of experiences of exploitation and domination, sometimes even a certain justification among migrant workers. By speaking of an exceptional period and of a temporary, transitory period of migration, they divert attention from the conflicts due to the dependence to which they are subject. Migrant workers often reinterpret the mental and physical strain of work using a logic of masculine toughness (“many can't stand it”, “we are strongmen”) and justify the strain with the financial compensation it entails (“as long as they pay me at the end of the month...”). When they express their unease in encounters with other persons (supervisors, inspectors and natives), they seem to provide evidence that justifies initial prejudice, they are “incompetent”, “crude”, “incomprehensible”.²⁵ All this reinforces an attitude of striving for quick, economic earnings and accepting self-exploitation through overwork and hard labour under harsh conditions.²⁶

²⁵ J. Queirós, *Working Class Condition and Migrant Experience: The Case of Portuguese Construction Workers*. In: C. Pereira, J. Azevedo (eds.) *New and Old Routes of Portuguese Emigration*. IMISCOE Research Series, Springer. 2019. 155-170.

²⁶ B. Monteiro, *Portuguese construction workers in Spain: situated practices and transnational connections in the European field of construction (2003-2013)*, CLR-News 2-2014, Construction Labour Research, vol. 2014, n. 2. Brussels, 2014. 8-32.

This does not mean, however, as indicated above, that these workers let it all pass. It is rightly pointed out by various authors that the harsh approach of workers can also lead to an attitude of “good enough” or a “vote with the feet”. For example, the French anthropologist Jounin found that the purely contractual dimension of wage earning always comes with the granting of a status, even an implicit one. That status determines the labour force supply, the quality of work as well as the loyalty of workers. He observed that migrant workers in a vulnerable employment relationship regularly opt for an individual escape and speaks of a spiral of disloyalties: line drawing, absenteeism, alcoholism and even sabotage and ultimately departure.²⁷

Other anthropological research shows that in addition to such individual reactions and despite the power imbalance that characterizes their position, migrant workers do indeed develop more far-reaching strategies to escape overly strict subordination. Berntsen concludes that these workers develop a wide range of strategies to survive and live with them, with frequent job transitions.²⁸ Ultimately, they weigh up social and economic aspects and decide on that basis whether it is worth staying or not. The precarious, flexible status in that case facilitates this choice to a certain degree. Nowadays, this is mainly expressed in a return to the home country or the choice for an EU country with more promising prospects. The consequences are a large fluctuation and rotation of personnel, loss of expertise, with few sustainable employment relationships and recruitment that stalls (or has to come from further and further away).

Migrant workers are in the meantime an integral part of the “flexible layer” in large parts of the economy in the Netherlands. The available statistics show that the temporary nature of the deployment of labour migrants is not an intermediate station on the way to a permanent appointment. Compared to their Dutch colleagues, they are much more dependent on their employer and/or employment agency for their work, transport, housing and health insurance. The recruitment of labour migrants is in many cases left to intermediaries and temporary work agencies, using revenue models that are sometimes at odds with the principle of equal pay for equal work. It is often impossible to answer the question whether the recruitment and hiring have been carried out

²⁷ N. Jounin, *L'illégalité sous-traitée ? Les conséquences du recours à des employeurs intermédiaires dans le secteur du bâtiment*. *Droit social*, vol. 1, 2007, 38-45.

²⁸ L. Berntsen, *Agency of labour in a flexible pan-European labour market - A qualitative study of migrant practices and trade union strategies in the Netherlands*. PhD thesis, Groningen University, 2015.

correctly, whilst the externalisation transfers responsibilities from the user company to the recruiter. The multiple dependence, the lack of work and/or housing alternatives, the lack of a social network, the language barrier and the absence of information in their own language, combined with a lack of knowledge of legislation and regulations make it difficult for these workers to find their own way.

The starting point of HR policy is to promote the well-being and health of workers. The thinking has always been that promoting the well-being of the staff benefits workers, employers and society in many ways. However, the conducted surveys and the cited studies show that the Human Resource tasks for this part of the working population are seriously neglected, as far as they exist at all. There is little attention from the HRM side or, more accurately, HRM is absent. Being treated like a number is not exactly binding or motivating. The bad feelings that, perhaps temporarily accepted, unequal treatment in the workplace causes undermines the commitment of migrant labour. And this while this commitment is sorely necessary to keep the activity afloat. In fact, the Dutch labour market will come under pressure if companies continue to resort to the recruitment of cheap labour. The question is not so much whether this should change, but how to change it.

All things considered, enough reasons not to wait any longer, but to invest in agreements that ensure the raising of the housing, work and living situation of migrant workers to a level that justifies the work they perform.²⁹

It is time to work out a policy that can lead to equal treatment not only in theory, but also in practice, in the company and in society, based on well-being, prevention, good and accessible care, and adequate training facilities.³⁰

The (re)development of HR policy in areas that makes it possible for these workers to perform the assigned essential activities in a dignified manner can contribute to this. In the first place, this is a task for the (hiring and user) undertakings and the temporary work agencies. The lead should be taken by the HR departments of large user undertakings (i.e., distribution centres of large retailers, logistics hubs, meat processing

²⁹ K.H. Onarheim, K. Wickramage, D. Ingleby, et al. *Adopting an ethical approach to migration health policy, practice and research*. *BMJ Global Health*, vol. 6, n.7, 2021.

³⁰ J. Cremers, *Social policy and labour mobility in Europe - the gap between law and enforcement*, *Sociologia: Revista da Faculdade de Letras da Universidade do Porto*, Número temático – A construção civil numa perspetiva sociológica: enquadramento e análise, Lisbon, 2020, 148–161.

industries, horticulture). Also, social partners, labour market institutions and local and national governments need to take a more active stand.

6. Conclusions: Tasks from an HR perspective

The aim should be to increase social protection, prevent abuse and facilitate the stay of migrant labour. The agenda for a welcoming and inclusive HR policy should include:

a. Recruitment and appointment

- A fair recruitment policy that guarantees working with bona fide intermediates.
- Counteracting the mismatch between education level and job requirements.
- Introduction at the workplace, career guidance, access to training, retraining and further training offers, both job- and career-oriented.

b. Remuneration and primary working conditions

- Support in obtaining and checking compliance with applicable working conditions, information about applicable collective agreements and pay compliance checks (by the user undertaking).
- Social security, ensuring the correct registration, explanation about social security provisions, information about reporting sickness and about healthcare.

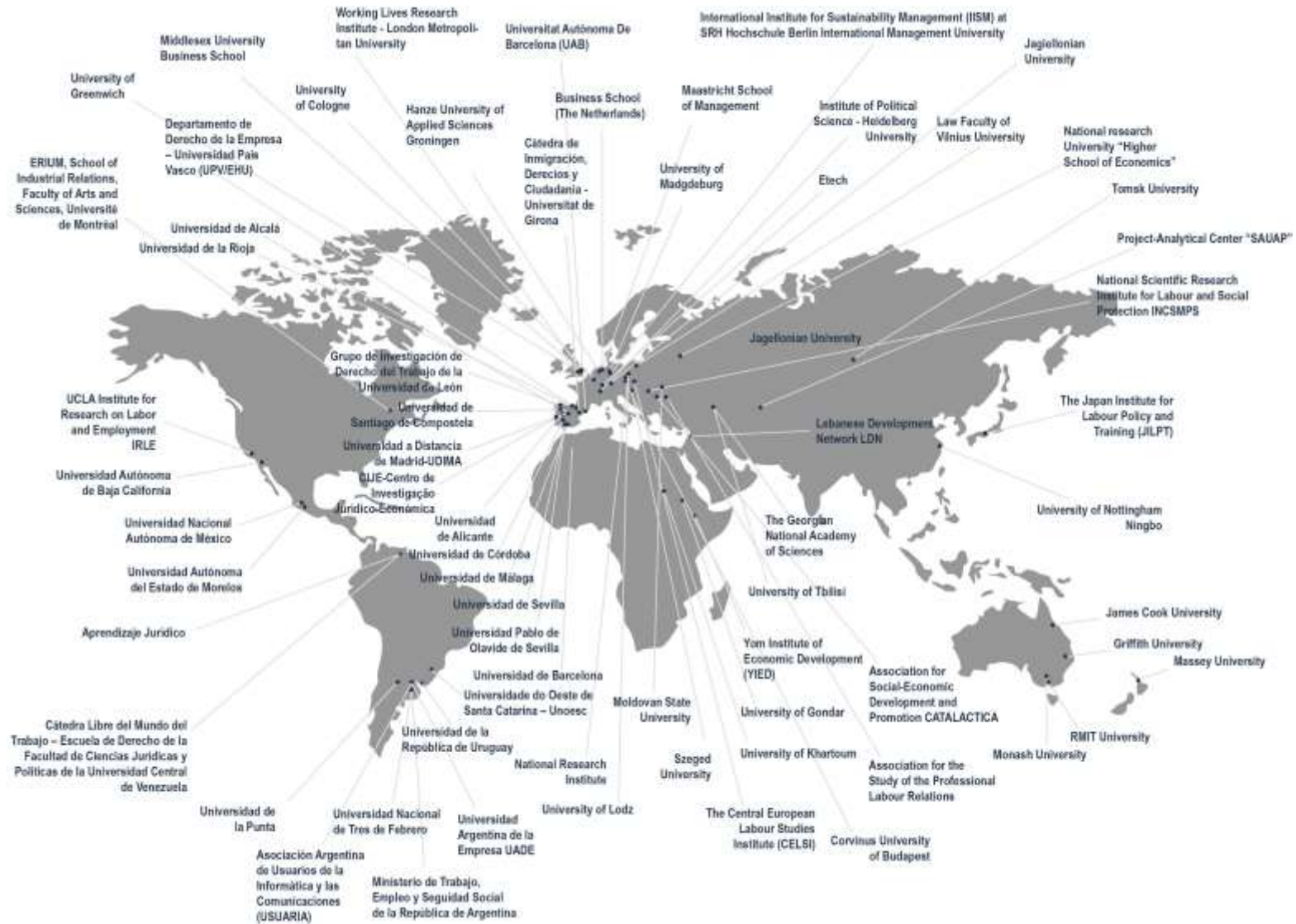
c. Well-being and care, occupational health and safety, participation

- Working conditions, integral application of occupational safety and health rules and safety instructions, personal protective equipment and other relevant occupational health facilities.
- Combating discrimination and assisting with access to basic facilities that can be derived from labour legislation and regulations. The application of ILO standards such as the right to union membership, involvement in social dialogue, information and consultation in the company.

d. Healthy and responsible housing and living conditions

- Formulating binding conditions and minimum standards for housing and living facilities.
- Mediation towards housing associations and other forms of social housing.
- Stimulate cultural and social participation, introduction to public facilities and cultural amenities.

ADAPT International Network



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