

The service and actions of the ACV-CSC for mobile workers from Central and Eastern Europe





Structure of presentation

1. Situation of migrant workers in Belgium
2. Services of the ACV-CSC for migrants workers
3. The ACV-CSC support center for migrant workers coming from the new EU-countries
4. ESF-project “New Mobile Workers”



Mobile EU workers in Belgium may have different statutes:

- working as a regular employee for a Belgian employer
- working as a mobile seasonal worker for a Belgian employer
- working as a self-employed person with social status in Belgium
- posting as an employee
- posting as a self-employed person with social status in another EU-country



Problems of mobile workers in Belgium

- obstacles to information access
- inadequate knowledge of the legislation
- inadequate knowledge of the language
- dependence on labor mediator
- unfamiliarity with the role of trade unions
- cultural difference



Frequent problems of mobile workers and posted workers in Belgium

- Lack of knowledge of:
 - the wages and working conditions
 - the rights and obligations of an employee
 - the social security and tax legislation
- posted workers are frequently underpaid
- posted workers have problems with accommodation (at the workplace, in garages, on the building site, campingsite,...)
- posted workers often work for „letter box” companies
- are afraid to stand up for their rights



Frequent problems of mobile seasonal workers in Belgium

- work 12 - 16 hours a day and 6 or 7 days a week or - on the other hand - there is not enough work and they have to wait several days or weeks for work
- underpaid or not paid
- many of them are paid on the day of departure - mostly less than agreed on.
- they live with the employer or at a campingsite - minimum contact with the outside world => no integration
- even if they have no work, they have to pay for accommodation, eg. 3 euros/day - is deducted from the wages



Frequent problems of self employed with social status in Belgium

- they don't know the difference between employee and shareholder
- mostly bogus self-employed (pseudo-independent)
- numerous companies have been created in which different migrants have become minority shareholders, whereas the majority of the shares are in possession of the real employer
- the shareholders may not take part in the decision-making process, although by law they do have the right



Frequent problems of independent entrepreneurs with social status in Belgium

- the employer makes the contracts, fixes the hourly wages, the working hours, takes care of transport and the acquisition of material
- the shareholders work overtime hours, work sundays and public holidays
- the hourly wages are poor
- the employer often does not keep his promise to pay the social security contributions of the self-employed (his shareholders)
- the Belgian trade unions are less concerned with the self-employed or independent entrepreneurs.



Frequent problems of posting self employed workers in Belgium

- mostly bogus self-employed (pseudo-independent) posted workers - the contractor makes the contracts, fixes the hourly wages, the working hours, takes care of transport and the acquisition of material
- many of the workers are forced to become self-employed in their country and to work as posted self-employed in Belgium
- no provision is made for minimum agreements concerning contracts and wages
- the hourly wages are poor
- they are often underpaid or are not paid



Services and actions of the ACV-CSC for migrant workers



The ACV-CSC - services for migrant workers

- diversity on the workforce
- attention for integration of new immigrants
- cross border-workers services
- challenge for the union : migrant workers need to be better represented in our organisation



The ACV-CSC - services for migrant workers

Centers for cross-mobile workers:

- 8 shop officers (also Eures-advisers)
- individual information service (social security, employment rights, taxation -conventions for the avoidance of double taxation ...)
- collective actions through interregional trade union committees
- support of the regular ACV-CSC service centers
- publications, study days, information evenings



ACV-CSC - services for migrant workers

Centers for cross-mobile workers:

- historically started for Belgian employees in neighbouring countries (BE-NL, BE-LU, BE-DE, BE-FR)
- now also for mobile workers coming from another European country - November 2007 - support center new EU-countries in Antwerp: Polish speaking adviser for ACV - CSC, October 2009 - second Polish speaking adviser for ACV - CSC



The ACV-CSC - services for migrant workers

Juridical services and national study office

- defending the rights of migrant workers and going to court
- for difficult cases: aid of the Study office (e.g.: difficulty of execution of verdicts abroad...)
- negotiation in social dialogue for defending the rights of mobile workers



The ACV-CSC - services for migrant workers

Professional work

- especially by industrial branches that are being mostly confronted with mobile workers: construction, transport, meat industry...
- goal = to tackle social dumping



The ACV-CSC - services for migrant workers

Interprofessional work

- cf. Project Diversity
- efforts to get more migrant workers on the lists of social elections - Get them organized !
- development of several brochures in 14 different languages



Representation

- ACV-CSC is represented in several organisations and networks that work with migrants and migrant workers
- Working together with NGO's...
- ETUC, ITUC



International ACV-CSC service

- Help contact a foreign trade union in case of problems (although not always easy, depends on the relations);
- Help collecting information about a foreign employer



The ACV-CSC support center for migrant workers coming from the new EU-countries

How did it start?

The project POOLSHOOGTE ACV-CSC BIE

- we started in the springtime of 2005
- leaflets and brochures about wages and working conditions - distributed on building sites and in the Polish shops and churches
- involvement of the Polish volunteers
- organization of the service days (started with volunteers)
- info-sessions about wages and working conditions and about the role of trade union



The ACV-CSC support center for migrant workers coming from the new EU-countries

The project POOLSHOOGTE ACV BIE

- leaflets - information in Polish about work permits and residence permits in Belgium
- co-operation with the Polish society in Belgium (shops, bus lines, churches, socio-cultural organizations)
- interventions to the Belgian customers (on behalf of (posted) workers)
- Organising the mobile workers on the building sites
- cooperation with the labour and social inspectorates



The ACV-CSC support center for migrant workers coming from the new EU-countries

- direct contact with employees
- help to defend the rights of migrant workers (also out of the office)
- information
- service days - individual help - also in the evening
- publications
- information evenings
- development of several brochures in different languages
- 2007 and 2008- participation in the job fairs for migrant workers in Brussels and Antwerp



The ACV-CSC support center for migrant workers coming from the new EU-countries



ACV-CSC - WELCOME GUIDE
in 14 languages: Dutch,
French, English, German,
Russian, Romanian,
Bulgarian, Polish, Serbian,
Croatian, Spanish,
Portuguese, Slovak,
Turkish, Moroccan

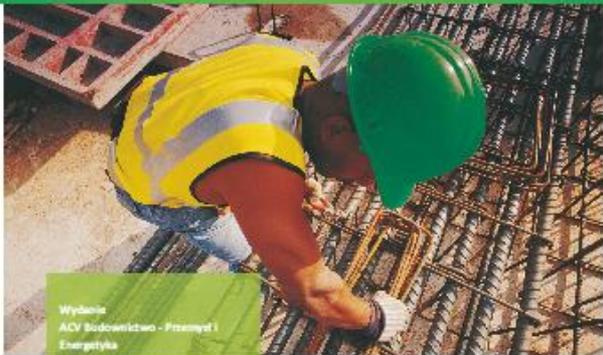
The ACV-CSC - services for migrant workers

Brochures in 14 different languages





Przewodnik dla budowlanców
PC 124



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PC 124



Een uitgave van
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April 2011



The ACV-CSC - services for migrant work





The ACV-CSC support center for migrant workers coming from the new EU- countries

- distribution of our brochures and leaflets on the working sites by our volunteers.
- actions in the media
- the possibility and ability of ACV-CSC to defend mobile workers and posted workers at the labour court in Belgium



The ACV-CSC support center for migrant workers coming from the new EU-countries

Cross-border cooperation

- October 2009 - participation in the international job fair in Warsaw

The day before and the day after the job fair we had the meetings with Zbigniew Janowski -the president of Polish trade union ZZBUDOWLANI, some Polish politicians, members of parliament and a journalist with the intent to inform the Polish labour inspection about abuse on posting of workers.

- information about wages and working conditions in Belgium through the Polish trade unions: ZZBudowlani (www.zzbudowlani.pl) and Solidarność



The ACV-CSC support center for migrant workers coming from the new EU-countries

Cross-border cooperation

- cooperation with network of consultants in organizations of workers in the Netherlands, Germany, Norway, Ireland, Denmark and Belgium (depends on the relations)
- cooperation in creating of the website of the European Federation of Building and Wood Workers (EFBWW) - website contains information about wages and working conditions in European host countries

<http://ecmin.efbww.org/>



The ACV-CSC support center for migrant workers coming from the new EU- countries

Cross-border cooperation

- Cooperation with the Polish Association of Migrant Workers in Warsaw: transmission of the problems of the Polish posted workers in Belgium, transmission of information concerning the Belgian labour code and collective labor agreements - an association represents the posted workers at the Polish labour court
- Polish Association of Migrant Workers in Warsaw distribute our brochures and leaflets



The ACV-CSC support center for migrant workers coming from the new EU-countries

Cross-border cooperation

- January 2013 - Participation in the seminar in Wroclaw, where we had an opportunity to talk with Ms. Danuta Jazłowiecka a member of the European Parliament responsible for amendments to Implementing Directive on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services
- The seminar was organized by the trade union ZZBUDOWLANI, the Polish National Labour Inspectorate and by the European Federation of Building and Wood Workers (EFBWW)





The ACV-CSC support center for migrant workers coming from the new EU-countries

Cross-border cooperation

- 2014 - our brochures on the website of the Polish Consulate in Brussels <http://www.bruksela.msz.gov.pl/>
- 2015 - our publications on the website of the Polish Association of Migrant Workers www.pspm.com.pl



The ACV-CSC support center for migrant workers coming from the new EU-countries

Cross-border cooperation

Thanks to the cooperation with the Polish Consulate in Brussels,
contact and (limited) cooperation with:

- relevant departments of ZUS (Polish social security institution),
- relevant departments of NFZ (Polish national health insurance institution)
- the Polish tax authorities - regarding convention between Belgium and Poland for the avoidance of double taxation



The ACV-CSC support center for migrant workers coming from the new EU-countries

Cross-border cooperation

Netwerk “Fair Posting of Workers” - project of
CGT, ACV-CSC BIE.



ESF-project: “the new mobile worker”

- Started 10/2013 – ends 09/2015
- Need of information and clearness about who can deal with complex questions and problems of mobile workers
- Goal= formulate recommendations to trade unions and governmental services about how to better organize ourselves towards new EU-migrants



ESF-project: “the new mobile worker”

- In cooperation with ABVV-FGTB, Transnational Service
- In search of European best practices
- Networking with local and national organizations (Kruispunt MI, VVSG, De8, OR.C.A...)
- Result = policy report & brochure

Thank you for your attention

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