

Where would we be without migrant workers?



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A journalistic essay about labour migration, exploitation and the role of consumers

Froukje Santing

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Dik Klut

INTRODUCTION

The year is 2010 and the scale of labour migration has never been larger, nor has the exploitation and trafficking of workers ever been so lucrative. At the same time, in the Western world respect for migrant workers in general and undocumented workers in particular is rapidly decreasing. “They are taking our jobs and profiting from *our* welfare programmes.” The deportation of illegal foreign labourers - however much we need them for many reasons - has priority over safeguarding their rights and clamping down on human trafficking. Because of their precarious position, migrant workers are an easy target for exploitation, not only by employers and pimps but also by landlords and human traffickers.

In the World Migration Report 2010, ‘The Future of Migration: Constructing Capacities for Change’, the International Organization for Migration (IOM) says¹ that the number of international migrants will grow from 214 million in 2009 to 405 million in 2050. That is, if migration continues to grow at the same rate as over the past twenty years.

One of the causes of this sharp rise – besides the continuing global trend of moving from rural areas towards cities – is the anticipated twenty five percent reduction in population growth over the coming forty years in industrialized countries. This will lead to a considerable demand for migrant workers in these countries. Not only in the upper half of the labour market – the ‘knowledge economy’ and areas of innovation – but also in the bottom of the labour market: health services, care for children and the elderly, public services, the service industry, agriculture and horticulture, as well as, for example, the construction and transport industry and the sex trade. As demand for workers grows in the industrialized world, the workforce in developing countries will continue to grow: from 2.4 to 3.6 billion in the next twenty five years. In industrialized countries on the other hand the potential workforce will stabilize at 600 million.²

1. http://www.iom-nederland.nl/Over_IOM/IOM_Wereldwijd/Nieuws/Press_Briefing_Notes/Invest_now_for_tomorrow's_migration_says_IOM's_World_Migration_Report

2. International Organization for Migration, *World Migration Report*, Genève 2010

ECHOES FROM ANOTHER TIME

3. http://www.nicis.nl/Wat_doen_wij_Verspreiding/Docbank/Welzijn_Integratie/Migranten_en_asielzoekers/Migratie/Bulgaren_actief_in_informele_economie_in_Den_Haag

4. The Hague alderman Norder estimates the total number of migrants from Central and Eastern Europe in his city to be 30,000.

Take, for example, the situation in The Hague. Based on recent research³, the number of registered persons from the Central and Eastern Europe has doubled in the last two years, from 5,000 to 10,000.⁴ They come to the Netherlands because back home there are hardly any jobs and wages are low. In the Netherlands they are often doomed to work that most Dutchmen would turn their noses up to. The fastest growing group of migrant workers in The Hague is the Bulgarians. The majority of them have no regular job and work in the ‘informal’ economy. Bulgarian and Romanian migrants work mostly in the city itself; whereas the Poles work in the greenhouse horticulture in the Westland region or elsewhere in the province of South Holland. The wages of migrant workers tend not to be high, a maximum of eight euros per hour.

While reading the research on The Hague, I recalled criticism the former Dutch political party *Partij van de Arbeid* (Labour party) leader Wouter Bos was subjected to in 2005, mostly by members of his own party, after his plea for a more selective migration policy. It was lambasted as too calculating, and as contrary to solidarity with migrants. Bos didn’t want migrant labourers to have access to all the entitlements of the welfare state immediately. He called for a ‘green card’ type system, just as the United States has.

5. Froukje Santing, ‘Migratie heeft een duur prijskaartje’ in *NRC Handelsblad*, 10 December 2003.

It vexed him, he said during an interview at his office in the Lower House of the Dutch parliament, (the Second Chamber)⁵, that the Netherlands up until then knew only one model for immigration. You arrive, and after a certain amount of time you are given the right to stay and are then instantly assured of all rights and duties every citizen has. “But there are many alternative models. In one extreme: you bring a migrant worker here. The worker has no rights and even if he becomes sick he has to go back. This means he pays nothing into the system. A very poor kind of temporary contract indeed. On the other side of the spectrum, a foreign worker can slowly grow into our model of social welfare over time. Only after he has been here for a longer period of time he is given all its rights and duties.”

6. http://www.amnesty.nl/bibliotheek_vervolg/ongedocumenteerde_migranten. Illegal is often experienced as unwanted and poorly integrated, and the terms illegality and criminality are often interchanged. Therefore, more friendly terms such as ‘Sans Papiers’ or ‘undocumented migrants’ are used.

With his plan, the *Partij van de Arbeid* front man also had Holland’s approximately 130,000 illegal migrant workers in mind. He said, “This way, you would create a system through which illegals could become legal, without immediately having to give them a seat at the well-stocked dinner table of the welfare state.” Around six months later, on an August afternoon in 2004, I was walking around in the poor Rotterdam neighbourhood of Bospolder-Tussendijken, searching for those ‘undocumented migrant workers’ (as they are euphemistically called which sounds less stigmatizing than ‘illegals’).⁶

What propelled me to undertake this trip was a research paper by the University of Rotterdam, 'Districts for Illegals: on their distribution, housing, and quality of life.'⁷

7. Froukje Santing, 'In het koffiehuis valt een illegaal niet op', in *NRC Handelsblad*, 27 August 2004.

Almost immediately I ran into Mahmut Karadavut. For thirteen years he had lived undocumented in the Netherlands with his wife and children. That is, until 2000, when he took advantage of a once-only ruling for 'witte illegalen', tax paying migrants without residence papers, to get a residence permit. Since then he has also become a Dutch passport and become the owner of the Turkish neighbourhood store *Öz Anadolu*, which was formerly only registered in his brother-in-law *Öz's* name, although Karadavut had worked there every day.

In an internet cafe, twenty year old Murat - who did not have residence papers - told me that he pays two hundred euros per month for his room in Bospolder-Tussendijken, in a house that was turned into a boarding house. Other Turks, Iraqis and Bulgarians lived there as well - all of them in the Netherlands illegally. Murat first came to Bospolder-Tussendijken to stay with friends Rotterdam in 2002 on a tourist visa. Sometimes someone comes by the boarding house with an offer for work, for example, as a gardener, he told me. "Now and then I get money from Turkish friends or borrow it from them. I have a lot of debts."

Bospolder-Tussendijken is one of the thirty two neighbourhoods in the Netherlands with the most undocumented migrant workers. Just as, for example, the Schilderswijk in The Hague. In these often densely populated areas and neighbourhoods, with mostly immigrants, between three and six percent of the residents do not possess residence permits, according to the report 'Wijken voor illegalen' ('Districts for Illegals') of the Erasmus University in Rotterdam. Yet there are hardly any undocumented migrants in the remaining 1470 neighbourhoods and districts in The Netherlands.

Seven years later both the initial statements of the former Partij van de Arbeid leader Bos - whichever way you look at them - and the politically neutral report 'Wijken voor illegalen' sound like echoes from another age. The political climate in Western countries about migration issues is rapidly becoming harsher. The Netherlands is no exception. When it comes to migrant workers, with the exception of the highly skilled or '*kennismigranten*' (literally 'knowledge migrants' in Dutch), discussions in the media and in politics are still conceived in terms of "problems". Western governments increasingly react with restrictive measures to minimize the inflow of migrant workers at the bottom of the labour market. The general rule is that a migrant worker who is not highly skilled and not an EU national will only get a work permit if the employer proves he could not find a suitable

candidate from the Netherlands, other EU countries or from the European Economic Area (EEA).

This approach is not only one-sided, but testifies to little vision and little sense of reality - also with a view to the future. The continuing globalization of the economy and the aging of populations in developed countries make the demand for labour mobility and the adequate facilitation by Western governments ever more important. International migration movements also have their own laws. According to Richard Staring, professor of criminology at Rotterdam's Erasmus University: "Social networks of migrants that bring the Netherlands together with others European countries and the migrants' countries of origin teach newcomers how to enter the country - in spite of restrictive immigration policies."⁸ Migration is not tightly managed, moreover: it is inevitable. And this has always been the case.

8. Richard Staring, 'Illegaal tot crimineel verklaren maakt toestand alleen erger', in *NRC Handelsblad*, 9 March 2011.

In this journalistic essay, at the request of the IOM in the Netherlands, I gauge the situation of labour migration, the exploitation of workers, and the role of consumers. How civilized and humane are we in the year 2010? Where do we stand in the West, regarding both legislation and public opinion? The examples mentioned in this essay and the situations they describe relate to the Netherlands, but they do in fact reflect the situation in other Western countries. What is needed here is to take a step back for some reflection, partly to broaden our view of labour migration. The demand for circular and back-and-forth migration grows. Now and then, foreign workers want to return to their country of origin or, if there is no longer work for them, move to another Western country. Migrant workers therefore want to be able to legally move in and out of the Netherlands. They need a legal position to acquire insurance policies for themselves or their families and to wire money home at normal rates.

MIGRANT WORKERS ARE DISCUSSED ONLY IN TERMS OF PROBLEMS

The Partij voor de Vrijheid (Party for Freedom PVV) of Geert Wilders (nationally the third largest party in the Netherlands) called for calculation of the cost of migrants to the tax payer: 7,2 billion euros per year, according to a study by economic research agency Nyfer.⁹ In their conclusions, Nyfer emphasizes that “although non-western immigrants constitute only about forty percent of the total number of immigrants, research into this special group is useful because their socio-economic characteristics differ markedly from those of the average Dutch citizen. This has important implications for government’s budget.”¹⁰

9. Full text of the research Budgettaire effecten van immigratie van niet-westerse allochtonen is available at http://www.nyfer.nl/documents/rapportPVVdef_000.pdf

10. Ibid, p. 7.

This concerns the inflow of non-western immigrants, but in the media this is broadened to include all migrant workers. ‘They’ are presented as a burden to the recovery of the economy or on the welfare state. ‘They’ are the cause of many a problem. ‘They’ take our jobs, live off welfare, make a nuisance of themselves and take advantage of our social benefits.

To what extent this image is based on emotions and myths and not on reality, is shown by research from University College London, where they calculated that in 2008/2009 newcomers from Eastern-Europe have paid 37 percent more in taxes than they received in benefits¹¹. Furthermore: in the United States immigrants annually contribute 37 billion dollars to the economy, according to the Council for Economic Affairs of the current President Obama. By now, the one-sided picture of the burden that migrant workers are to the Western societies that received them are painted by politicians from the left as well as the right. Another labour politician, Deputy Mayor Marnix Norder in The Hague, alderman for Urban Development, Public Housing and Integration, wants the Immigratie- en Naturalisatiedienst IND (Immigration and Naturalisation Service) to forcefully deport unemployed Eastern Europeans. Poles, Bulgarians and Romanians without an income must leave the country. If the government does not take action quickly, Norder fears that more and more Eastern Europeans will claim welfare. Already, about six hundred unemployed and homeless Eastern Europeans in the city are requesting assistance.¹²

11. Speech DG IOM William Lacy Swing at 20th anniversary IOM in the Netherlands, The Hague 14 December 2011.

12. Alex Burghoorn and Charlotte Huisman, ‘Norder: zet werklozen Polen uit’, in *de Volkskrant*, 11 December 2010 and Alex Burghoorn and Charlotte Huisman, ‘Daklozen vrijwillig terug naar Oost-Europa’, in *de Volkskrant*, 15 March 2011.

Norder also spoke of a “tsunami of Eastern Europeans”. People from Central and Eastern Europe are the migration issue of the moment. That is the reality in The Hague, according to the alderman. There are more people from this region living in the city than from Morocco, another country that is much the subject of discussion. The approximately 30,000 legal and illegal Central and Eastern Europeans in The Hague mostly work in construction or in the greenhouses in the Westland area. “They often work for dubious recruiting agencies that are harshly taking advantage of these migrants,” Norder said.

He spoke of modern slavery, which the government must forcefully act against. According to Norder, the problems in The Hague are the result of the indifferent attitude of national governments. Much is unclear about the limits of residence permits for EU citizens. The alderman blames the 'dogma' of open European borders which fosters a kind of 'we'll see where we land' attitude in national governments. Norder emphasizes that he's not opposed to immigration: "We need them all to boost the economy of The Hague. But at European level they haven't given any thought to the consequences of the large scale migration movements we are facing now."

He also thinks that EU migrants that cannot or no longer make a living for themselves should go back to their country of origin and that those who want to settle in the Netherlands for a longer period of time have the obligation to learn the language. Just as there is a policy of return for non-western immigrants, he thinks agreements should be made about Western immigrants. "You can go a long way with voluntary repatriation, but you need more forceful means as well," he says.¹³

13. Ibid.

Liberal party Minister for Social Affairs, Henk Kamp, agrees. He announced the forced return of unemployed Poles who since May 1 2007 have access to the Netherlands without restrictions and of other workers from Central and Eastern Europe. "Exploited and expelled", twittered Henk van der Kolk, chairman of the trade union FNV Bondgenoten. "We get grief instead of gratitude; that is how it makes them feel," wrote Jurriën Koops, vice-president of Algemene Bond van Uitzendondernemingen (ABU) (Union of Temporary Work Agencies) in national paper *de Volkskrant*.¹⁴ He gave the following example. "Imagine being a Pole who has decided to come to the Netherlands. You travelled 1000 kilometer and have reached The Hague. Unfortunately, you have found work for an untrustworthy farmer or employment agency. You work sixty hours a week for less than the national minimum wage. You pay a ridiculously large sum for terrible housing which you must share with ten fellow countrymen. You lose job and lodgings as easily as you obtained it and four weeks later you find yourself on the streets - unemployed and homeless. You are an unwanted alien; however, you are asked to pay your local taxes." That this isn't merely a typically Dutch example, is aptly expressed in the 2007 film, *It's a Free World*, from British director Ken Loach.¹⁵

14. Jurriën Koops, 'Als de laatste Pool naar huis is, staat Nederland stil', in *de Volkskrant*, 23 February 2011.

15. http://en.wikipedia.org/wiki/It's_a_Free_World

Minister Kamp announced a number of measures in April, based on four basic assumptions: 1. Migrant workers are welcome, if they work and can pay for their own living. 2. Unemployed Poles requesting unemployment benefits or who cause trouble must return to their country of origin. 3. If it is obvious after three months that a migrant worker has no job prospects his residence permit is ended. 4. Migrant workers who want to stay in the

Netherlands for longer periods of time must learn the Dutch language. The call to send back unemployed Central and Eastern Europeans, including Poles who are here legally, fits the trend of increasingly harsh policies of Western governments towards migrant workers. So says Tesseltje de Lange, lecturer in Administrative Law at the University of Amsterdam, who specializes in international migration law: “The emphasis lies on the top-end of the labour market. Companies wanting to attract highly educated migrants are given a free hand. There are even special desks to facilitate the registration of this kind of migrant worker. The government just assumes that companies will act responsibly.”

According to De Lange, this is in sharp contrast to what happens at the bottom end of the labour market, “where the government no longer trusts its own employees.” Recruitment agencies must be certified. To weed out untrustworthy agencies, there are hefty fines, targeted controls, considerable sanctions and, for repeat offenders, forced closure. “At least that’s the idea, but the reality is that last year, the Arbeidsinspectie (Labour Inspectorate) only arrested 2,500 undocumented migrant workers from outside the EU at Dutch companies,” De Lange says.



THE NATIONAL MOOD IN THE NETHERLANDS IS A TICKING TIME-BOMB

16. Charlotte Huisman, 'Het grenst soms aan discriminatie', in *de Volkskrant*, 25 February 2011.

Janusz Stanczyk became ambassador of Poland to the Netherlands in October 2007. Earlier this year in an unusually candid interview¹⁶ for a diplomat, he said he could then still taste a sense of enthusiasm about the opening of the Dutch borders to Polish workers on May 1 that year: "Employers were happy to have Polish workers and the Poles were happy with the wages, which are generous compared to those in their home country." More than three years later, following the discussions in the Netherlands on labour migration, from his office in the monumental building of the Polish Embassy in the Alexanderstraat in The Hague, Stanczyk is in a very different mood. He speaks of a ticking time-bomb, referring to the speed with which respect for foreign workers continues to decline in the Netherlands. What irritates the ambassador, confirms Jan Minkiewicz, external advisor to the Polish Embassy, are the hurtful remarks of The Hague alderman Norder ("a tsunami of Eastern Europeans"). He also wrote to minister Kamp to explain that the measures Norder announced would be contrary to EU rules. He does not deny that occasionally there are problems with Poles drinking too much and causing a disturbance in some neighbourhoods. But he feels politicians and the media, in their eagerness to focus on incidents, have lost a sense of proportion. He said, "This borders on discrimination."¹⁷ What surprises the Polish ambassador, according to Minkiewicz and many others, is that such a well-organized Western country as the Netherlands is unable to properly manage and guide the labour migration process. According to him, the government should play a more prominent role, for example with regard to housing migrant workers, controlling recruitment agencies and checking on labour conditions.

17. Ibid.

"I fear that if this isn't improved, an army of angry, workers without rights will start to march through the Netherlands, consisting of EU citizens like the Poles. The question facing the EU is how these workers can preserve their rights when they move to another member state. I am sure a significant proportion of them will not stay in the Netherlands. They move on to Germany, France or other EU countries if they can find more and better paid work there," Minkiewicz says. The external advisor predicts the poor economic situation in Greece and Spain means workers from those countries will soon join them.

Jurriën Koops, Vice President of Algemene Bond Uitzendondernemingen ABU (Union of Temporary Work Agencies), stresses that European countries are insufficiently investigating how regional companies and the regional labour market will develop in the future: "No long-term policies are developed regarding migrant workers, and there is no proper housing." Municipalities often react too late, and housing policies are only

reformulated after problems have arisen.”¹⁸ He refers to such lodging abuses in the Netherlands as mattresses being placed in sheds where flower bulbs are stored and decrepit caravans. In their planning procedures, municipalities ought to consider the need to reserve space to house migrant workers.

¹⁸ Jurriën Koops, ‘Als de laatste Pool naar huis is, staat Nederland stil’, in *de Volkskrant*, 23 February 2011.



FROM 'SPONTANEOUS' TOWARDS 'UNDOCUMENTED' LABOUR MIGRATION

Labour migration is not a recent development. It has always been with us – both nationally and internationally. The Turks and Moroccans have dominated the scene in the Netherlands in the second part of the twentieth century and are joined increasingly nowadays by the Central and Eastern Europeans who were preceded in the nineteenth century by Belgians, Germans, the French and the Swiss. In the first half of the twentieth century, the influx of workers was caused by unemployment. Poor foreigners were kept away during worsening economic conditions. Only those with 'sufficient means of existence' and those who 'presented no danger for public peace' were welcome.¹⁹

19. Ahmed Benseddik and Marijke Bijl, *Onzichtbaar achter glas*, Stek|Okia, Den Haag, November 2004, p 51.

The minor economic recession of 1967 led to renewed discussions about the significance and function of foreign workers. The prevailing public opinion at that time was that migrant workers are a means to fill in the gaps during temporary economic booms. Employers were given permits by the governments to actively recruit workers from abroad. The prevailing belief was that the Netherlands was not a country of immigrants. The country only needed temporary workers and there was no need for new families to settle from abroad. And only for those jobs for which EU workers were no longer available, or which were no longer acceptable for them.

In spite of the 1973 oil boycott, which caused an economic crisis and high unemployment, labour migration continued to grow.²⁰ From 1975 on, the accepted point of view is that labour shortages ought to be solved in the Dutch labour market and not by recruiting migrants. In legislation, the 'spontaneous' migrant becomes an 'illegal' migrant.²¹ The illegal, undocumented worker can be sent back and the employer is liable to charges. During the 1990s this concept of illegality was further developed, controls and checks intensified and sanctions became sharper. By no longer being granted a social security number since 1992, and the 'Koppelingswet' of 1998, undocumented migrant workers were emitted from the social-financial system.

20. Ibid, pp 52-54. Also see the PhD thesis of T. de Lange, *Staat, markt en migrant. De regulering van arbeidsmigratie naar Nederland 1945-2006*, The Hague 2007.

21. For details on the successive legislation, see: Ahmed Benseddik and Marijke Bijl, *Onzichtbaar achter glas*, Stek|Okia, The Hague, November 2004, pp 53-62.

The current government of VVD and CDA (liberals and Christian democrats) is supported in the parliament by Wilders' PVV. The coalition signed an agreement that the government would investigate whether and to what extent tightening labour migration policies is possible and desirable. The general line of thought is that migrant workers who are not highly skilled and are not from the EU only get a residence permit if the employer can prove that he was not able to find workers from the Netherlands or from other countries belonging to the European Economic Area (EEA).

In spite of this restrictive policy, undocumented migrant workers continue to be employed in the Netherlands in a structured way, according to Marijke Bijl. Among other things, she is secretary of the 'Breed stedelijk Overleg Mensen zonder Papieren' ('Broad Municipal Consultation Group for People without Papers') in The Hague. She also works for the Ondersteuningscomité Illegale Arbeiders (Okia) (the 'Support Committee for illegal workers') which was set up in The Hague in 1992. Together with Ahmed Benseddik she researched the contribution of illegal workers in the greenhouses in the Westland area: 'Onzichtbaar achter glas' ('Invisible behind glass').²² "The structural employment of undocumented migrant workers in the West is not limited to greenhouse horticulture. It also happens in the sex-industry, in restaurants, the cleaning industry, the meat processing industry, in domestic service, in construction and in the transport sector."

22. Ahmed Benseddik and Marijke Bijl, *Onzichtbaar achter glas, Stek/Okia*, The Hague, November 2004.

The demand for undocumented workers in the greenhouses in the Westland area is associated with the narrow profit margins. "Internationally, about thirty large supermarket and fast food chains control production in this sector. They represent an enormous purchasing power; they force the horticultural industry and other producers to sell high quality products for low prices." Bijl describes how competition increases along different stages. Full time employees are replaced by so-called 'borrowed' labourers recruited from employment agencies. Only the workers who work fastest may return the next day. This often leads to physical harm, for example to their joints. "The horticultural industry knows what they are doing is illegal and that controls have been increased in the past few years," says Bijl. "But because they are forced to keep their production costs as low as possible, they are constantly fiddling."

UNDOCUMENTED MIGRANT WORKERS HAVE THE SAME LABOUR RIGHTS AS LEGAL WORKERS

Although undocumented migrant workers perform an important function at the lower end of the Dutch labour market, as a consequence of the 'Koppelingswet' and because they do not have social security numbers, workers especially from outside the EU, are practically outlaws.

"Their status means that they think they are not entitled to the same rights as legal workers. If they are underpaid, or evicted from their lodgings without their salary having been paid, or if their working conditions are poor, or if they haven't received their (legally required additional eight percent) holiday pay, it is difficult for them to go to court," says migrant labour law expert Tesseltje de Lange.

Under her supervision the University of Amsterdam with cooperation of IOM the Netherlands recently conducted a study: 'Exploitative Labour Relations and Legal Consciousness of Irregular Migrant Workers in the Netherlands'²³. The research makes clear that most undocumented migrant workers have no idea about the rights they have according to European treaties - such as the right to fair and favourable employment benefits and the right to start a trade union. The researchers claim that this attitude is based on the experiences of migrant workers: people without papers usually get paid less and their working conditions are not ideal. It is certainly much more difficult for them to find work than for Dutch residents or workers from within the EU. When faced with severe violations of rights only a few of them are prepared to come forward."²⁴

23. Tamara Butter and Marleen Verhagen, *Exploitative Labour Relations and Legal Consciousness of Irregular Migrant Workers in the Netherlands*, UvA, Amsterdam, 2011.

24. *Ibid*, p 55.

The migrants themselves think that only workers with papers are able to enforce their rights. Undocumented workers who do so risk being fired, often without being paid their full wages. As their stay in the Netherlands depends on their employment they risk being detained. To survive, they need an income. Having a job is often more important than being underpaid or accepting poor working conditions. Tesseltje de Lange of the University of Amsterdam stresses that in spite of their weak legal status, undocumented migrants remain human and that they remain workers: "In a civilized, humane society, their human rights must be guaranteed, as should be their rights as employees."

SOMEONE WITH BLOND HAIR USUALLY IS NOT REGARDED AS AN ILLEGAL

The research paper ‘Onzichtbaar achter glas’ (Invisible behind glass) describes the way in which the rights of undocumented migrant workers are being observed in Western countries (such as the Netherlands) contradicts their status as an alien. The Arbeidsinspectie (Labour Inspectorate) has two incompatible duties: one the one hand detecting abuses in the field of labour relations, employment and social security and on the other hand tracing undocumented workers.²⁵ Between 1987, when the Dienst Inspectie Arbeidsverhoudingen (DIA) (‘Agency for Labour Relations Inspections’, part of the Ministry of Social Affairs and Employment) was founded, and 1994 when DIA was merged in I-SZW, which eventually became the Arbeidsinspectie (Labour Inspectorate), these duties were separated.²⁶

In 2007, the Nationaal Rapporteur Mensenhandel (Dutch National Rapporteur on Trafficking in Human Beings, an independent body advising the government) recommended that undocumented workers be given the opportunity to report abuses in their workplace without risking extradition. The International Labour Organization ILO, agency of the United Nations, also considers that the primary task of the Dutch Arbeidsinspectie is to protect employees, instead of enforcing immigration laws.

One of the recommendations of the research ‘Exploitative Labour Relations and Legal Consciousness of Irregular Migrant Workers in the Netherlands’ is that the Arbeidsinspectie ought not to have a role in enforcing migration law. “From the migrant’s point of view, the government’s task to protect employees is inaccessible”, according to De Lange. She recalls that in France, inspectors have refused to be involved in migration policing.²⁷

The reality in an EU member state such as the Netherlands is that extraditing illegal workers has priority over protecting the rights of undocumented migrant workers or combating human trafficking. The recent government proposal to make illegal residency a criminal offence fits this harsher political climate. By making it a criminal offence, undocumented migrant workers can be given fines, locked up and sent back more quickly. Christian democrat (CDA) Minister for Migration, Gerd Leers, claims that he can combat human trafficking and exploitation more effectively this way. “That is an outrage”, says Marijke Bijl, “This will only make undocumented migrant workers more vulnerable.”

According to criminologist Richard Staring of the Erasmus University in Rotterdam, “The government wants to crack down on (organized) crime. However, illegals who are being exploited by human traffickers, employers, pimps or landlords will think twice before reporting this to the police, for

25. Ahmed Benseddik and Marijke Bijl, *Onzichtbaar achter glas*, Stek/Okia, The Hague, November 2004, p 139. See also: ‘De rechten van de ongedocumenteerde arbeidsmigrant, in *Migratie Info* (magazine IOM the Neherlands), March 2011.

26. Ahmed Benseddik and Marijke Bijl, *Onzichtbaar achter glas*, Stek/Okia, The Hague, November 2004, p 57 and p139 and Tamara Butter, Marleen Verhagen and Tesseltje de Lange, *Exploitative Labour Relations and Legal Consciousness of Irregular Migrant Workers in the Netherlands*, UvA, Amsterdam, 2011, p 28.

27. ‘De rechten van de ongedocumenteerde arbeidsmigrant, in *Migratie Info*, March 2011.

28. Richard Staring, 'Illegaal tot crimineel verklaren maakt toestand alleen erger', in *NRC Handelsblad*, 9 March 2011.

fear of being arrested, detained and returned by force to their country of origin.”²⁸ He expects that the fear will result in pushing undocumented residency even further underground. This will result in illegals becoming more vulnerable which increases their chances to be exploited. Labour migration law expert De Lange says, “With the current policy of detaining and sending away, we deny that migrant workers do work in the Netherlands that others are not willing to do. For example, in the past millions of euros were spent to get unemployed Dutch residents to work in greenhouses and bulb fields. This hardly worked.”



LABOUR EXPLOITATION AND HUMAN TRAFFICKING

Illegal employment often goes hand in hand with human trafficking and labour exploitation. This also occurs in the Netherlands. Worldwide, the number of people that fall victim to human trafficking is estimated to be between ten and thirty million. It is not just about cross-border trafficking. Many people, as will be illustrated by the following example in Ghana, are recruited in their own countries. In addition, it is hard to determine the dividing line between merely poor working conditions and actual exploitation. Research shows the distinction is complicated, also in the Netherlands. Is sleeping in the workplace a sign of exploitation? Can you speak of exploitation if migrant workers are heavily underpaid? A Dutch judge determined that if a Chinese cook is willing to make long hours in the Netherlands for a low salary and poor lodgings, this does not constitute exploitation. The cook himself claims to be better off than in China. This ruling has since been overruled by the High Court of the Netherlands, which found the owner of the restaurant guilty. The High Court declared comparisons should not be made to the Chinese but to Dutch working conditions.

Undocumented migrant workers realize that they do not always receive the same wages as legal employees. Labour migration law expert De Lange: “They know that the welfare level and the wages in countries such as the Netherlands cannot be compared to those in the countries they come from. The money they make in a Western country is worth a lot more at home.” What makes it an affront to human dignity, according to De Lange, is that migrant workers are regarded as scum.

The stories of many undocumented migrant workers such as those in the Westland greenhouses, differ in detail, but overall resemble that of the men and women living under plastic sheets in Andalusia, occasionally finding a day’s work. They also resemble that of the Hispanics in California picking fruit.²⁹ Totally different are the experiences of Ghanaian boys and girls who became the victim of the cruel trade in child labourers in their own country, a topic which was addressed by the International Organization for Migration (IOM).³⁰ IOM developed the so called Counter Traffic Module (CTM), a database charting worldwide human trafficking movements, as well as documenting the experiences of victims and reintegration projects.

29. *Ibid*, p 172.

30. For the situation in Ghana: check the IMO documentation in IOM-news, June 2005, pp 23-24.

The attention of IOM in Ghana is focused on the area around Lake Volta, where fishing is the main source of income. The harrowing consequences of the trade in child labour are omnipresent. Extremely poor parents from cities across Ghana are forced to give up their children to agents with the understanding that their sons or daughters, often no older than

seven or eight, will at least be fed at Lake Volta, learn a trade, and go to school. In reality, they are exploited. IOM 'liberated' hundreds of children from this modern form of slavery in the past few years. The majority was undernourished. Sometimes, even years later, they still did not dare speak of their dreadful experiences around Lake Volta.

Another example is Pretoria, in South Africa. In preparation for the world football championships last year, IOM focused the attention to the horrible trade in humans with an innovative campaign. In poor residential neighbourhoods that are the target of human traffickers, fictitious tunnels and walls were constructed. People passing by would regularly see pedestrians disappearing in and out of them. Then, a message would point out that this was not merely a game, but sadly, a reality. At given times, people do disappear there, only to be put to work in prostitution or other forms of illegal employment. Finally, people were shown IOM's free telephone number, to which information on disappearances could be reported.

For the international American broadcast organization CNN, 2011 is dedicated to the struggle against this modern form of slavery. The American TV network wants to draw international attention to the smuggling and trafficking of humans through a series of broadcasts. "The levels of slavery and people trafficking today are greater than at any point in history," according to Tony Maddox, Executive Vice President and Managing Director of CNN³¹ "Human trafficking is a form of crime with high profits and low chances of being caught," stresses Corinne Dettmeijer-Vermeulen, the Dutch National Rapporteur on Trafficking in Human Beings.³² The United Nations estimate that annual profits generated by human trafficking are around 32 billion dollars.

31. <http://thecnnfreedomproject.blogs.cnn.com:80/2011/03/04/modern-day-slavery-a-problem-that-cant-be-ignored/>

32. Interview in *Migratie Info*, June 2010, p 3-4.

A recent criminal case that received a lot of attention in the Netherlands was operation *Koolvis*, focusing on Nigerian girls brought into the Netherlands to work. Forty-five suspects of human trafficking were eventually arrested. Corinne Dettmeijer-Vermeulen comments on the importance of an independent advisor in a country such as the Netherlands: "Human trafficking constitutes a gross violation of human rights. It is very important to monitor what the government is doing to combat this."

FOR TOO LONG, WE PRETENDED THAT ALL MIGRANT WORKERS ARE
PITIFUL PEOPLE

*On a bench in the square of Westernesh
Sits a man, who's never been far from home
He takes a sip from his can of beer
And he thinks: what am i doing here?*

*Op 'n bankie op de brink in Westernesh
Zit 'n man, nog nooit zo ver van huus af west
Hij nemp 'n slikkie uit zien blikkie Aldi bier
En hij denkt wat doe ik hier?*

The songwriter Daniël Lahoes, from the Dutch province of Drente, wrote this song in anger.³³ It is his answer to a carnival song in which a bus full of Poles, hardworking fellows who have a rough time, are being insulted. “Get real! Those boys go out into the world, are brave enough to go to another country to get a better life at home.” For too long, people have pretended that all migrant workers are to be pitied, agrees Tesseltje de Lange, lecturer Administrative Law at the University of Amsterdam. Usually, migrant workers are enterprising people looking for a better life. That they go about this illegally, is because they have no alternative. Of the mass immigration of Spaniards, Portuguese, Moroccans and Turks in the previous century to Western countries such as the Netherlands, about half eventually stayed.

33. Frank van Zijl, ‘Het verdwijnt: Het Drents en de verhalen’, in *de Volkskrant*, 18 February 2011.

Not everybody necessarily wishes to settle in the Netherlands. Polish Michael Gomek (20), with an earring and Nike trainers, on his way to Mass in the St. Willibrorduskerk in Rotterdam, tells me he needed time to adjust to the Netherlands during his first few weeks, staying at the Hotel Nachtegaal in Lisse, where he shares a twenty square meter room with five others. But he does not mind, because he makes four times more money here as in Poland. “In April, when there’s less work in the tulip fields, I want to go back to my home town Wroclaw (Breslau).”³⁴

34. Eileen Ros, ‘Heimwee naar de Poolse God’, in *NRC Weekblad*, 26 February-4 March 2011.

The opinions of Gomek match those of many Polish immigrants who came to the Netherlands between 2000 and 2009. Many returned to Poland. This is shown by studies of the Centraal Bureau voor de Statistiek (CBS) (Dutch Statistics Bureau), in which immigration from Mediterranean countries in the 1960s and the 1970s is compared to the recent wave of immigration from Poland in the past decade. The study shows that half of the Polish immigrants who came to the Netherlands in between 2003 and 2009 returned after seven years. From the first wave of migration between 1996 and 2002, only 35 percent had returned to Poland after seven years. The difference is probably due to the more favorable economic situation in the Netherlands, but also

35. <http://www.cbs.nl/NR/rdonlyres/73622BD4-DFD7-447A-BC2B-82B8F1210050/0/2011k1b15p32art.pdf>. See also: Cathelijne Pool, *Migratie van Polen naar Nederland*, The Hague, 2011.

with the Polish EU membership since May 2004, which made it easier for Poles to travel between the two countries.³⁵

De Lange mentions a similar experience with Filipino domestic workers in the Netherlands, who have now organized themselves in order to acknowledge their labour rights. They are advocating circular migration. De Lange: “We know that the type of work they are doing in Western countries is mostly done by undocumented migrant workers. That’s the reality. But at the same time, we fool ourselves with our current policy of apprehending and extraditing foreign workers. We are afraid to give people a residence permit, which would enable them to integrate into our social security system.”

The Filipino women, too, want to be able to return temporarily to the Philippines from time to time. That requires that they be given rights. Meanwhile, research by fellow researcher Sarah van Walsum of the Vrije Universiteit of Amsterdam (VU University Amsterdam) shows that, on a global level, Filipino women have already arranged a number of basic facilities, such as health insurance for themselves and their family members, according to De Lange, who is involved with the initiatives of these women in the Netherlands. That means that they don’t place all their bets on the Netherlands. They know that the global economy means that they must be flexible enough and have their affairs in order, regardless of the country in which they are working.

These initiatives clash with the one-sided Dutch idea that migration workers come here to settle and profit from our prosperity. By now, that’s an outdated model. To which De Lange adds: “That only applies to a few people. The majority come here to work and earn money to send home, in the hope that they will be able to do so in a dignified manner. This is also the case with the Poles who migrate back and forth, as recent research by Cathelijne Pool shows.³⁶ If there is little work, they simply return home.”

36. Cathelijne Pool, *Migratie van Polen naar Nederland*, The Hague, 2011.

THE WORLD BEHIND OUR PLATE

No consumer is more spoilt than the modern Westerner. What is his responsibility in this story of labour migration, exploitation and human trafficking? Many Western households are cleaned by a 'black' worker – the walls painted or the kitchen renewed by an undocumented migrant worker. And even if this is done by legal Poles, the main standard is that they be cheap. Furthermore, we Western consumers also want to be able to choose a variety of fruit and vegetables in the supermarket all year round. And preferably, as cheap as possible just like at the food in Chinese, Surinamese, Turkish or Moroccan restaurants. But at what price?

We can eat whatever and whenever we want. But what do we know about the world behind our plate? "How do we fill our supermarket trolleys?", Walter Grotenhuis asked recently. The answer to that question in his recent film *Smakelijk Eten* (Enjoy your meal) mostly raises questions – inconvenient questions.³⁷ Eating is more than filling our stomachs. It's also a matter of conscience.

37. Mac van Dinther, 'Ongemakkelijke vragen over eten', in *de Volkskrant*, 7 March 2011.

This is also the idea behind the international publicity campaign 'Buy Responsibly', launched by IOM in the Netherlands, in cooperation with Fairfood International, BLinN and CoMensha. IOM aims to achieve a change in consumer behaviour to make shoppers aware of where the services and products they are purchasing are coming from. As said, these are shocking facts: worldwide, millions of people are victims of forced labour or sexual exploitation. "For too long, we have thought that poverty and discrimination are the causes of labour exploitation," according to Director General William Lacy Swing of IOM. "This view is too limited. Labour exploitation and human trafficking are caused by a worldwide demand for cheap labour and services."

This was why Marijke Bijl recently joined a shareholders meeting of Ahold, the Dutch holding company of supermarket chain Albert Heijn, which has branches all over the world. She wanted Ahold to agree to pay one penny more per pound of tomatoes to the workers who pick them in Florida. For decades farming on the East coast of the United States has thrived on the use of migrants with a vulnerable status. "The work load is particularly heavy with relatively few checks," according to Bijl. About ten years ago, the illegal immigrants there, mostly Hispanics and Haitians, joined to form the Coalition of Immakolee Workers (CIW), named after the place where they work.³⁸ For decades, they had failed to succeed in achieving a raise in the wages they received from farmers. After they had formed an organization, they joined forces to appeal to the top of the chains buying the tomatoes. After a four-year struggle and backed by a widespread social movement,

38. For more information: <http://www.ciw-online.org/>

they got Taco Bell, a worldwide fastfood chain, to pay that extra cent per pound of plucked tomatoes to them – which almost doubled their income. After that chains like McDonald’s and Burger King followed suit.

Last summer, Bijl of OKIA together with the trade unions FNV and CNV, BlinN and Disk Arbeidspastoraat, appealed to Ahold to follow that example. “We wanted to expose the dynamics behind cheap farming products. Who is responsible for establishing the prices – and how can that system be broken – when wages and working conditions basically amount to a modern form of slavery?” Ahold will not to pay more, according to the message Bijl and the others received in writing. The purchase of tomatoes from Florida was temporarily suspended, pending Ahold’s own investigation. But by now they have resumed buying and Ahold informed the Coalition of Immakolee Workers in Florida that they consider the supply chain to be in order. The company will therefore not participate in the ‘penny per pound system’. The company is already paying a ‘fair market price’. Furthermore, Ahold assumes that in a country such as the United States, the government is responsible for enforcing the rules with regards to wages and working conditions.

As Western consumers, we too assume governments to do their duty. But can we simply rely on that? No, says filmmaker Grotenhuis: “If the three years I have worked on this film have taught me anything, it’s that the international food production chain is so complicated that it is impossible for consumers to unravel it to make considered ethical choices - what to buy and what not to buy.” He urges that controls on whether a product is produced in a socially sustainable way must take place before the products reach the shops. Not just the products from far away, but also those from our own country. Grotenhuis does not believe that in the capitalist world of today and tomorrow producers and traders will undertake these controls by themselves. “As consumers, we must force the government to assume that role.”

Case studies are required, in addition to public campaigns such as ‘Buy Responsibly’ and films such as *Smakelijk Eten*³⁹, leading the way to launch a broad public debate in the Netherlands on sustainability, decent working conditions and wages with regards to products and services.

In addition to studying farmers and Filipino shrimp fishers, filmmaker Grotenhuis looked at soy bean farmers in Mato Grosso, a large area in Brazil on the southern border of the Amazonian basin. The Dutch are large scale importers of soy beans; only surpassed by China. Soy is a cheap and an important ingredient for pig feed. From the millions of pigs raised and fattened in the Netherlands, come the pork chops, tenderloins and meatballs on the supermarket shelves and in the chip shop. Soy beans and pigs have become closely intertwined.⁴⁰

39. www.smakelijkketendefilm.com/pages/home.asp

40. www.smakelijkketendefilm.com/pages/brazilie.asp

INVESTING IN THE FUTURE: ROLES AND TASKS

In short: labour migration, exploitation and human trafficking are complicated issues, to which Western governments respond with restrictive measures. The Western consumer, too, behaves opportunistically and with little ethical sense. He or she is spoilt and sticks his or her head in the sand. At the same time, IOM's World Migration Report 2010 underlines that in a world where demographic changes, economic needs and the effects of climate change unavoidably lead to a rise in the number of international immigrants, governments and other parties have little choice than to invest in financial and human resources. This is the only way in which states, communities and migrants pick the fruits of future migration. In this process at least the following roles and tasks are of significance:

The Western government

- Is engaged far too much with the short term (restricting the flow of immigrants with the exception of highly skilled migrants) and has too little concern for the humane aspects of labour migration. Immigrants are doing the work the Dutch refuse to do.
- Labour migration caters to an economic need to preserve prosperity, now and in the future. The fear that the Dutch will be replaced by foreign workers is usually unjustified. That idea must be communicated by national and local governments.
- The international production chains have become so complex and large scale that consumers cannot possibly understand how they operate. Therefore they cannot make ethical choices when purchasing goods or services. In addition to regulating and inspecting the production chains, governments should consider it their duty to make the successive steps of this chain visible to consumers, if necessary with the aid of NGOs.

Scientific research institutes

- Together with the government, these institutes or organizations should cast light on the production chains and supply the government with information necessary to perform its regulatory function and to raise the consciousnesses of the consumers about the services or goods they are purchasing.
- To spread an understanding of, and call attention towards demographic changes and the economic consequences of ageing population.
- To call attention to the rights of migrants as laid out in European treaties.

Consumers

- In their role as consumers, citizens can force their governments to exercise control over the production chains, to ensure that the supermarket shelves do not contain products, and that services are not offered, with prices established unethically. Political parties could also be involved. In their political programmes, they could focus on this new role for the government and develop ideas on how to organize supervision, enabling consumers to make a conscious choice for certain products and services.

Manufacturers / Employers

- In spite of the weaker position of (undocumented) migrant workers, their insufficient knowledge of their rights, and in spite of the fact that they are often unwilling - or have insufficient resources - to implement procedures against their employers or exploiters, migrant workers are both human and employees. That means that their human rights must be respected, just as their rights as employees.
- Employers often work with recruitment agencies functioning as intermediaries. That does not absolve the employer from his duties towards the foreign employees working for him.

Lawyers, legal aid, and trade unions

- Illegal migrants do have rights, based on national and EU law. The Arbeidsinspectie (Labour Inspectorate), trade unions and organizations providing legal aid should make them more aware, and assist them in claiming those rights - even though that may be difficult in practice.
- A bureau should be set up where migrants can report abuses without fear, so that unethical employers and intermediaries can be tracked down. This also requires active participation of the trade unions.

NGOs en IGOs (such as IOM)

- NGO's and IGO's usually are hands-on organizations. It is important that they continue to place migration-related topics on the agenda at national and international level.
- They should point out to policy makers, political parties and through public publicity campaigns that labour migrants are enterprising people making positive contributions to society.
- Developing pilot projects to find legal alternatives for irregular migration.
- Strengthening the position of migrants (empowerment), for example by setting up interest groups, unions, lobby groups etc.
- Continuously focusing attention on fighting labour exploitation and human trafficking.

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Migration for the benefit of all

Established in 1951, IOM is the leading inter governmental organization in the field of migration and works closely with governmental, inter-governmental and non-governmental partners.

IOM in the Netherlands assists migrants with voluntary return to their country of origin and sustainable reintegration. IOM also arranges the travel of invited refugees and family members that have received authorization to be reunited with their families in the Netherlands. As a third activity, IOM facilitates qualified migrants who reside in the Netherlands to help with the development or reconstruction of their country of origin through temporary return projects.