

# Swedish trade unions vis-à-vis transnational labour market integration in the European Union

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## INTRODUCTION

The ongoing transnational integration of markets for capital, goods, services and labour – economic globalization – since the 1970s creates an exogenous shock for the national industrial relations regimes and the players within the regimes. In the European Union (EU) the free movement for capital, goods, services and labour is inscribed into the union's makeshift constitution, the treaties, as an aim for the union, even if it is not completely implemented yet; especially not for labour and for services. Still transnational market integration has come a long way in the EU, and this transforms the national IR regimes of the member states (cf. Lillie and Greer 2008; Barnard 2008). The opening of borders increases competition for firms, but also for labour, as EU aims for a single labour market, with its citizens being free to move to any member state to work there.

When eight post-communist Central and Eastern European countries joined the EU in year 2004, 12 of the 15 countries already members of the EU imposed restrictions on migration from the eight new members. The reason was that governments in these 12 countries were afraid of "welfare tourism" – that citizens from the new poorer EU countries would come to the richer Western European countries in search for welfare benefits – and afraid of stronger low-wage competition for workers, through migration from the new member states (Wadensjö 2007). Migration research shows that there is a tendency of pressure downwards on wages for un- or lowskilled labour when immigration is liberalized in a country (Fischer et al 1997, pp. 106-108; Lindstrom 2008 p. 6)

In this paper, I investigate how Swedish blue collar trade unions respond to the eastward expansion of the EU in the 2000s. The research question is: *How do the Swedish blue collar unions work with European labour market integration and labour immigration from other EU member states to Sweden?*

In the results section, I discuss five ways in which the blue collar unions work with this.

- employing ombudsmen, or re-allocating ombudsmen's working time and resources, to work with EU issues
- multilateral trade union cooperation; I discuss the Baltic Sea Trade Union Network BASTUN, and naturally there is also the European Trade Union Confederation
- legal activism; bringing cases to the Swedish Labour Court as well as being parts in cases in the European Court of Justice
- attempts to organize migrant and posted workers from other EU member states in Sweden
- working with union perspectives in European Works Councils

It is central to see that unlike its counterparts in for example Germany and Austria (see Krings 2009, pp. 55-56), the Swedish trade union movement did not demand transitional restrictions on immigration from the new EU member states in 2004 and 2007. Sweden did not impose such restrictions, and thus Swedish trade unions had potentially large immigration to work with. The statistics does not show a influx to Sweden of the magnitude similar to the migration to the UK or Ireland, but the number of migrants from the new member states to Sweden did quadruple from 2003 to 2006 (Wadensjö 2007, p. 17).

## METHODS

Swedish trade unions do not produce a great deal of written materials on issues like these, and therefore the main method of my investigation is interviews with key persons at the blue collar unions (cf. Krings 2009, p. 51). I have interviewed twelve ombudsmen from the unions (not all are referenced in this paper), and have chosen persons who work with EU

issues, or international issues in general, at unions that are not big enough to have specific ombudsmen for EU issues. These are “centrally placed” interviewees, whom can be safely assumed to have thorough and first-hand knowledge about how their unions work with the issues that I am interested in. To a lesser degree, as far as it is possible, I have also studied written materials from the unions – internal as well as external material.

In this paper, I present empirical material in four sections. First, how the blue collar federation (the LO) works with the enlargement of the EU. Second, how the construction workers’ union works with this and labour immigration; this union stands, as we shall see, in the centre of the Swedish debate. Third, the transport workers’ union. And fourth, how the blue collar unions work with the EU-created institution for employees’ influence in multinational companies, European Works Councils. Of course this is not the final study and answer to my research questions. There are more blue collar unions to study in more detail. But my study contributed to the discussion and the development of an answer.

Regarding the choice of cases. To interview people at LO was rather given, since the federation plays a coordinating role and is important as a political actor and a industrial relations actor. The choice of the construction sector and the transport sector is due to structural properties of these sectors, that make labour immigration a particularly important issue there. In the construction sector work is organised in projects that are carried out on site and often in rather small working groups. This makes it especially suited for labour immigration, as whole teams of foreign workers can be imported, on project- or short-term contracts, without having to be integrated into a larger workplace. Also in the transport sector work is performed on site, and the sector is in its nature transnational. That many lower skilled or blue collar workers have emigrated from the new member states to western Europe also makes economic sense since wage disparities are higher in the NMS and hence low-skilled workers have an extra incentive to work in western European countries with more compressed wage structures and thus also higher relative wages for low-skilled (cf. Borjas, Bronars and Trejo 1992). And unlike most EU member states, Sweden did not impose restrictions on immigration from the new EU members in 2004 and 2007, so there is no specific hinder against low-skilled labour migration to Sweden.

## **RESULTS**

### **The LO’s organization towards CEE issues**

At LO (*Landsorganisationen*, The Country Organisation), the national blue collar workers’ federation, there is an international unit consisting of one head and four ombudsmen, of which one is responsible for Central and Eastern Europe (CEE) issues and one for cooperation with the European Trade Union Confederation (ETUC). The LO also has a committee for European union issues, which gathers secretaries from the confederation’s member unions for discussions that relate closely to what’s on the agenda in the ETUC. Apart from ETUC, the main organisation that the LO is involved with regarding CEE issues and trade union cooperation in CEE is the Baltic Sea Trade Union Network, BASTUN. BASTUN is rather loose a network and has no employees of its own; its administrative tasks are carried out by an ombudsman employed at the Nordic Federation of Trade Unions (NFS) with its office located in Stockholm. BASTUN is financed through member fees and also work in projects and applies for funding from the EU. BASTUN has unions from all Baltic states as members: Sweden, Finland, Russia, Estonia, Latvia, Lithuania, Poland and Germany, and also from two states not located by the Baltic sea but due to the chains of labour migration relevant to Baltic union cooperation: Norway and Belarus. From Sweden all three major confederations, LO, TCO (white collar employees) and SACO (professionals) are members in BASTUN. Right now BASTUN has one funding application being processed at the European Commission; an application for funding for a large project in the Eastern part of the Baltic area, for strengthening social dialogue and trade unions there. If the funding is granted, BASTUN will employ two new ombudsmen in every of its CEE member countries to strengthen unions and social dialogue there. The project is planned to last for four years. (Source for this section: interview 8). It is interesting here how the EU’s stated interest in

social dialogue, as a part of the “European Social Model”, is used by BASTUN as leverage for a project that will definitely serve to strengthen trade unions in some of the member states where they are comparatively weak.

Interestingly enough, BASTUN (2008, p. 6) states in a recent overview over the consequences of labour migration in the enlarged EU that “The increasing labour mobility from Poland and the Baltic states has benefited the Nordic economies. The labour migration has removed labour bottlenecks and no significant imbalances in the Nordic labour markets have been registered.” This positive judgement is given despite the fact that the Baltic states have experienced very high inflation during the years in this decade before the world economic crisis (cf. Dølvik and Eldring 2008, p. 12), and that there has been a large political conflict in Sweden and Finland over labour migration rules with the Laval and Viking cases (see next section).

### **The Construction Workers’ Union’s interpreter project**

The Construction Workers’ Union (Byggnads) have since the Laval conflict of 2004 been standing in the centre of the Swedish debate on EU labour market integration and social dumping. The Laval conflict concerned a Latvian construction company that was hired to build a school in the Swedish municipality of Vaxholm, and brought Latvian workers to do this. Laval did not follow the collective agreement of the Swedish Construction Workers’ Union, which the union demanded. When the company refused, the union put the workplace into blockade and eventually the construction was cancelled. The company sued the union to the Swedish Labour Court which remitted the case to the European Court of Justice, which in the end ruled against the union. The case bears much importance due to its question of whether posted workers from one EU member state working in another state should have wages and working conditions regulated from the country of origin or the country where the job is performed. Law professor Ronnie Eklund (2008, p. 566; cf. Krings 2009, p. 65) describes the importance of the Laval ruling of the ECJ thus: “The Court has adopted a libertarian approach to workers’ rights in Europe, and so a ‘race to the bottom,’ to use the jargon of economics, can begin, and tip the balance in favor of the employers.” Thus, the construction sector stands in the centre of the Swedish debate on European labour market integration. This is also due to the structural properties of this sector mentioned in the methods section of the paper.

Because of Laval and similar cases, re-organising toward the changing EU labour market is a high priority for Byggnads. (Source for this section: interview 7.) In 2004 the union started its interpreter project, in which Polish, Russian and Baltic interpreters have been employed to work jointly with Byggnads’ ombudsmen in organising the migrant labour in the sector. The interpreters are needed both for strictly linguistic reasons – that the migrant workers and the Byggnads ombudsmen do not have languages in common – and for cultural reasons, that there are cultural misunderstandings between the workers and the ombudsmen. The ambition from Byggnads was to recruit interpreters from within the own rank and file, recruiting organised construction workers with the necessary language competences. As a memo from the beginning of the interpreter project explains, “The assignment of the interpreters is to recruit members and explain the role of the union in our society and that they have to consider that employees from former Eastern Europe have a historical inheritance on how a trade union works” (Byggnads 2005). The role of the interpreter is to know the necessary language and to function culturally and socially in the situations at work places where Byggnads meet the migrant workers. An evaluation of the project from one year into it states what kind of importance the project has for Byggnads.

“The interpreter project has meant that the agreement signers [responsible ombudsmen] have begun to get insights into why foreign construction workers don’t ‘want’ to become members in Byggnads. The interpreter has the opportunity to get closer to the people, win their confidence. For example, the interpreter gets called up and asked to come to a meeting place far from the work place so that

the foreign employer doesn't find out that he [the employee] is talking to Byggnads. At such meetings it has been revealed

- That the employer has forced the employees to sign lists that say that right wages and allowances have been paid.

- That one has to accept not to get paid for overtime and so on.

- That one gets clear information from the employer that 'we don't want any increased costs for you so don't mix up with Byggnads'.

It can be concluded so that the interpreter project has advanced our positions. Much speaks for that soon we shall succeed in organising some of these foreign construction workers. Hopefully then we will also get someone who dares to step out and tell about how their employers undercut signed agreements." (Byggnads 2006)

I believe that Byggnads' interpreter project is a significant organisational measure in the context of international market integration. This is a conscious attempt from the union to adapt to the situation and organise workers so as to avoid companies undercutting the wage and benefit levels of the collective agreements. However, Byggnads have not succeeded in organising migrant and posted workers, which is interesting in comparison to Norway and Denmark, two countries with similar labour market models and situations. In Norway the construction worker union has managed to organise 14 per cent of migrant workers and in Denmark the union has organised 3 per cent (Arnholtz Hansen 2008, p. 3). The Swedish union though has according to my interviewee not managed to organise more than a marginal number, despite the fact that their interpreter project is a high priority one (source: Interview 7).

Byggnads also currently have two cases regarding migrant workers' rights in Sweden in the Swedish Labour Court (*Arbetsdomstolen*). The first case concerns the Polish construction worker Adam Polniak who, according to the union was fired from the Irish temporary staffing agency Rimec after he joined Byggnads. Polniak was at the time working at the construction site of a major tunnel in Malmö. The second case concerns former employees at Rimec in Gothenburg, employees who did not get proper pay according to their contracts. This kind of legal assistance and activism is an important part of trade unions' work with the transformation of the common European labour market, as the legal status of the common market is disputed to a high degree and unclear, and at the European level the European Court of Justice is a very important actor.

### **The Transport Workers' Union organisation toward CEE issues**

This section builds on interviews with Transport's international secretary Lars Lindgren (interview 9). To give an example, Lindgren told me about a typical case of EU labour market integration in the Swedish transport sector. It's about a Dutch transport company called Van Dieren Maritime BV. Van Dieren have started a company in Sweden and one in Latvia. The Latvian company employs truck drivers from Latvia and the other Baltic states, who then go to work in Sweden. Lindgren's story illustrates the problematic for Swedish trade unions vis-a-vis migrant and posted labour, and therefore I quote it extensively:

"Van Dieren have put a number of lorries here [in Sweden], trailer pullers, thirty-fourty of them. And these persons [the workers] are flown or shipped in from Estonia, Latvia, Lithuania every third or fourth week. So you can say that they live in their lorries three weeks in a row. Even if they sit at a parking lot in Älmhult. There they've got access to an old barack you can say, that a car firm used to have as a warehouse, there they have a washing machine and some old furniture, so five or six guys can sit there and discuss some. Otherwise one lives in the lorry. And one lives that way three or four weeks in a row. Then one goes back home, stays there for a week and then comes back again.

What does one get paid? We, the Transport Workers' Union demanded a collective agreement with the Dutch company. We negotiated in Holland and signed an agreement about that the people working in Sweden should have Swedish collective agreements. Then we wanted to organise these people in our

union. So we visited the parking lot in Älmhult. That was in May this year. And at first it seemed rather positive. They were a bit surprised about us coming there, about our interest and we explained that our interest was to maintain a collective agreement in Sweden. If it was Poles or Latvians or Romanians or Hungarians driving wasn't interesting for us, but the important was to maintain the level, the price of labour. The answers were so-so, a bit *com ci oom ca*, I got the impression that they were very suspicious. And it turned out that the suspicion was grounded in that they thought that we were a state-run organisation, controlled by the state. And I guess you have to understand that, that was their old model. So we had some worries there and that made us produce a pamphlet in Polish and Russian where we described the trade union, that we were an independent trade union totally free from the state, and tried to explain this to these people, which was very hard I can say. And I don't think they believed it."

This example highlights some of the main issues in the adjustment of trade unions to European integration. *One*, the problem of short-term mobility, as it is hard for a nationally-based union to organise workers who do not work and live all of the time in that one country. The Baltic drivers at Van Dieren frequently change jobs so the staff of thirty or forty drivers working in Sweden is continuously changing. Lindgren talks about the importance of creating trust with the workers for the union and of making one's face recognised among the workers, but that gets harder when the workers are often exchanged; "it's about building trust, to become recognised, to come back". *Second*, the problem of organisational and political culture, as with the suspicion against trade unions that Lindgren talks about. As Charles Woolfson (2008; cf. Sommers and Woolfson 2008) put it in a recent paper, the fusion between the Baltic model and the Scandinavian model in labour markets is like "worlds colliding". Like Byggnads, Transport also use interpreters who know the relevant languages, above all Polish and Russian. (Russian not because there are many Russian guest workers in Sweden, but because many Baltic guest workers speak Russian). Also, Transport through their Nordic Construction Workers' Federation have access to a Baltic coordinator.

"First, we made a survey among our own members about who knows what languages. And there we've found people who speak both Polish and Russian and other languages. I find that interesting. Often when we contact these people and ask if they want to work with these issues they are very interested and enthusiastic. Then we've hired a person from Lithuania, she's employed at the Nordic Transport Workers' Federation as a Baltic coordinator. And precisely a Baltic coordinator is tremendously important, someone who knows this about how the unions there function. She has explained to me 'Lars, you have to understand that this isn't a Swedish union, isn't a Nordic union, not even a European union, it's an Eastern European union and that's something completely different than what you think of when you think about a trade union'. And I'm reminded of that when someone says we have to talk to the union in Estonia, then I say there's no union in Estonia. There's no union in Latvia that can deal with these issues."

Latvian unionists might be surprised by the last statement; the Swedish LO and the Latvian confederation LBAS have signed a cooperation agreement, but it is true that trade unions are weaker in Latvia and the other Baltic countries, where the union density rate is at about 10-15 percent of the workforce, wages are lower, working conditions are worse than in Sweden, and workplace fatalities are at a high level. (Sommers and Woolfson 2006, p. 63). Like Byggnads, Transport have had major problems in their attempts to organise migrant and posted workers from the new EU member states, and have succeeded only marginally.

### **European Works Councils**

With the LO, Byggnads, and Transport cases, I have discussed the strategies of political and industrial relations work vis-a-vis the EU, of trying to organise migrant and posted workers, and of legal cases. Another part of Swedish blue collar unions (and unions in general) work with European labour market integration is working with European Works

Councils (EWCs). The EU passed a directive on EWCs in 1994, legislating that companies active in at least two EU member states with at least 149 employees in each country and 999 employees totally in the EU must create a transnational venue for employees' influence on the company, an EWC. The EWC is an institution for communication between the company leadership and elected representatives of employees in the different member states where the company is active. The EWC does not have co-determination rights, but is a venue for information and discussion. Being a company-level for employee participation, EWCs conflict with the traditionally quite centralized Swedish labour market model, where sector-level and federation-level has been quite pronounced in trade union strategies. Thus, there is some skepticism towards EWCs in Swedish trade union circles but the unions are pragmatic and most of them do take part in EWCs with some enthusiasm (cf. Bengtsson 2008). In Sweden the EWC Directive has been implemented so that local union clubs elect the workplace representatives to EWCs, and unionists also act as consultants and support for EWCs, so unions are quite important for EWCs.

The Paper Workers' Union's, Paper, EWC coordinator discusses the importance of the trade union perspective in EWCs in an interesting way, explaining how he and Paper can use EWCs to promote the trade union idea in Europe and especially in countries, like the Central and Eastern European member states, where unions are weak.

"I take part [in EWC meetings where Paper have representatives] every once in a while so they know that we exist, I talk about the trade union perspective. It's kind of an aha-experience for some representatives, not in Sweden maybe but in other countries, that there are ideas where we see EWCs as part of a trade union strategy and a trade union network all over Europe that supplements the union cooperation that we have in our federations. That gives us two different networks that can be connected when they function well. And in the best case we get them to work in the same direction. But that builds partly on us having trade union representation in EWCs." (Interview 4)

This represents a strategy of "unionizing EWCs", of making the union presence clear, making EWCs an arena for trade union perspectives and cooperation. As the Swedish implementation of the EWC Directive makes it clear that trade unions appoint EWC representatives for the Swedish employees in companies with EWCs, every Swedish EWC representative is a member of a trade union. Often the representatives are also experienced unionists active at local or regional levels. Thus, they bring with them a Swedish trade union perspective into EWCs. Furthermore, many or most EWCs have at times external experts present at their meetings, and these are often trade union officials, as the one from Paper quoted above. These officials, ombudsmen and international secretaries, represent trade unions and in some cases, as the presently discussed one, have an explicit strategy of what I call "unionizing EWCs".

Another interesting example of this process comes from the interview with the Construction Workers' Union's (Byggnads) international secretary. The Swedish labour market for construction workers is today in a flux due to the Europeanisation of the labour market, the EU's enlargement and a large inflow of construction workers from other EU member countries into Sweden, making up for tough competition for the Swedish construction workers. The international secretary from the construction workers' union expresses in a highly interesting way the ambivalence of Swedish trade unions towards EWCs: on the one hand a works-councilization (and decentralization) of the Swedish model, on the other hand a possibility of unionization of works councils, a new arena for Swedish trade unions and a constructive vehicle for trade union policy.

"when one looks at EWCs, one can see it as a threat or as a possibility. /.../ some EWCs have gone damn far, so far that they have started making own European agreements, and that collides with our system. Now we have tightened up our activity towards EWCs, so as to, give them more knowledge but also coordinate them to use them in development instead of seeing them as a threat to Swedish collective agreements and terms. Instead: develop all at once. We can take as example a company like NCC [a multinational construction company of Swedish

origin]. They have operations in Estonia and Poland. There, inside EWCs, we have an opportunity to have internal union meetings. We've demanded that EWC representatives should be union members. Sometimes it's impossible, when there are no union members there, but as soon as it is possible, we've found a representative and got representation, then we have been able to 'flood in' the union perspective." (Interview 6)

We see here an explicit strategy of "coordinating EWCs to use them in development instead of seeing them as a threat to Swedish collective agreements and terms", of strengthening union cooperation and unions in general via EWCs. As has been pointed out by among others Wolfgang Lecher (1998, p. 236), EWCs might be somewhat a "threat" to strong national centralized labour market systems, but on the other hand in countries where labour market relations above the company level, such as trade unions, are not strong at all, EWCs might on the contrary have the spill-over effect of strengthening labour market organizing and trade unions. The quote presented here regarding the Swedish construction workers' union developing EWC strategy points to this again. Via EWCs, unions in countries where unions are weak might be strengthened, through the actions of EWCs and the representatives in them, as when Swedish EWC representatives can get understanding, above all in companies based in Sweden that have EWCs, for their demand that all representatives in the EWC should be trade union members. That is a strategy of "unionizing EWCs".

Swedish blue collar unions and their members were at the time of Swedish accession to the EU in 1994 partly skeptic to the EU. European institutions like EWCs have also not been uncontroversial for the Swedish unions. But as the two examples here indicate, and as I have shown in a larger study of EWCs and Swedish unions (Bengtsson 2008), Swedish unions have become more and more interested in EWCs and started to take a proactive approach to them. EWCs, as one of the few explicitly labour-friendly reforms of the EU, thus plays an important role in how Swedish unions work with the issue of European labour market integration. Not the least, as the quotes in this section indicate, some unions see EWCs as an opportunity for preaching the virtues of Swedish-style unionism, and for strengthening trade unions in all EU member states.

## CONCLUSIONS

The research question for this paper is *How do the Swedish blue collar unions work with European labour market integration and labour immigration from other EU member states to Sweden?*

I have found five ways in which the blue collar unions work with this.

- employing ombudsmen, or re-allocating ombudsmen's working time and resources, to work with EU issues on the organizational and political level
- multilateral trade union cooperation; I have discussed the Baltic Sea Trade Union Network BASTUN, and naturally there is also the European Trade Union Confederation (ETUC)
- legal activism; bringing cases to the Swedish Labour Court as well as being parts in cases in the European Court of Justice
- attempts to organize migrant and posted workers from other EU member states in Sweden
- working with union perspectives in European Works Councils

There is in Europe today much discussion on – and fear for – a "race to the bottom" in industrial relations, driven by transnational economic integration. This particular development may be more or less likely, but it is certain that the economic integration is very important for the living standards – if improving or worsening – for Europeans. The development is contingent in the sense that people's organizing and actions shape it. Therefore it is important to study the strategies of industrial relations actors vis-a-vis EU integration.

As has been shown by comparative studies (Arnholtz Hansen 2008; Krings 2009), the strategies of and results for trade unions in the EU vary in a not entirely predictable way. Outcomes depend not only on objective and structural factors but also on human action.

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