



The structural disempowerment of Eastern European migrant farm workers in Norwegian agriculture

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A B S T R A C T

Keywords:

Dual labour market theory

Agriculture

Farm workers

Labour migration

Norway

Wage

Since the 2004 EU enlargement established one European common labour market, a large number of Eastern Europeans have taken up seasonal employment as hired farm workers in Norwegian agriculture. Much attention in the public has been given to the potential for 'social dumping' of these migrating workers, as they are considered prone to exploitation by farmers looking for cheap and docile labour, and subject to low-wages and poor labour conditions. In response to these threats, Norway implemented labour regulations ('transitional rules') that established minimum standards for wage levels and labour conditions, combined with registration and supervision of the incoming labour force. Nevertheless, reports from the field indicate that many of the westward migrating labour force experience work conditions that are far poorer than prescribed by the labour regulations, as these are not implemented at the farm level. In this paper, we discuss the social processes that result in this mismatch between state regulations (e.g. transitional rules) and the actual experiences of migrant workers building on dual labour market theory. Analysing qualitative in-depth interviews with 54 farm migrants, we argue that there are two sets of factors underlying the poorer working conditions observed on the farms: Firstly, the structural disempowerment of migrant workers, which gives them weak negotiating positions vis-à-vis their employers (farmers); and secondly, the migrant workers' frame of reference for wage levels, in which poor payment levels by Norwegian standards are found acceptable or even good when judged by Eastern European wage levels. While a number of works have described the exploitation of farm migrant labour, we demonstrate in this paper how national immigration and agricultural histories, structures and present policies configure the labour–capital relations at farm level in the Norwegian case.

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1. The new farm labour force

The 2004 EU enlargement accelerated economic, political and institutional integration between Western and Eastern European states. Among the most important changes was the opening up of Western European labour markets for citizens from the new member states, resulting in increased streams of migrant workers from Eastern to Western Europe (CEC, 2006). Norwegian farmers¹ have been among those most eagerly making use of this new supply of cheap labour. In 2007, some 27,000 migrants worked on

Norway's 50,000 farms, primarily as short-term/seasonal workers, and their work constituted about 10% of the sector's total work input that year (Vik, 2008).

Norwegian farmers employing Eastern Europeans have welcomed the deregulation of labour markets, as migrants provide inexpensive and good labour. However, extensive recruitment of low-paid foreigners also generates series of challenges for the Norwegian agricultural sector. Particularly, it has been accused by trade union representatives and the media of exploiting the migrating farm workers who are one of the most vulnerable groups on the labour market (so-called 'social dumping'). This may challenge the popular image of farmers in the Norwegian public as being hard-working but poorly paid self-employed men and women, who are exploited rather than exploit others. Such a change in the public image of farming may in effect have profound implications for the trade, as a large part of its income comprises of direct state transfers. In 2007, the country's 50,000 farms received about 1.4 billion Euros in subsidies, an average of 27,500 Euros per farm. Public perception of farmers spending

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¹ Norway is not a member of the European Union but takes part in the free labour market arrangements through the EEA agreement of 1994, which, effectively, implies that Norway is a 'full' EU member in terms of migrant labour regulations.

these subsidies on underpaid foreign labour may challenge the present-day widespread public support for up-keeping of an extensive national agricultural production (Dalen and Lillebø, 2007; Rye, 2008).

Mindful of concerns about farm-based labour relations, farmers' organisations in Norway were generally positive towards the transitional rules implemented by Norwegian authorities in 2004² (Rye and Frisvoll, 2007). These rules established minimum standards for wage levels (defined by minimum rates in tariff agreements) and labour conditions, combined with registration and supervision of the incoming labour force (Dølvik and Eldring, 2006), and were seen as an important tool to prevent 'social dumping' by Norwegian authorities. Official spokespeople for farmers have at the same time campaigned to enhance farmers' compliance with the transitional rules, for example through media statements emphasising that good treatment of the migrant labour force is pivotal for continued political support for the agricultural business, and thus, for the survival of the farming sector as a whole (Rye and Frisvoll, 2007). Interestingly, when the Norwegian authorities decided to end transitional arrangements by May 2009, farmers' spokespersons agreed with the trade unions on the need for alternative measures to secure minimum levels of work conditions. A national regulation of general application of wage agreements was proposed by trade unions, which, in effect, implies that farmers' still are required to pay migrant workers according to tariff agreements regardless of their union membership.

Nevertheless, reports from the field indicate that certain sectors of the in-migrating labour force experience work conditions that are far worse than prescribed by labour laws, as regulations are not implemented at many Norwegian small-scale family farms. Underpayment is reported to be common, many workers receive less per hour than stipulated, and they rarely receive overtime pay or other benefits granted by Norwegian labour laws, e.g. sick pay and vacation pay. Work conditions are often poor, as are the living arrangements offered. In general, the situation of the migrant farm labour force resembles what in the literature has been labelled the second tier in dual labour markets (Doeringer and Piore, 1971; Piore, 1970, 1975, 1979; see Rye, 2007a for an overview).

In this paper, we discuss the social processes that may produce this mismatch between state regulations (e.g. the transition rules) and the actual experiences of Eastern European migrant workers in Norwegian agriculture. Thus, at the theoretical level, the key research question of the paper is why EU and nationally-sanctioned labour regulations aimed at guaranteeing migrant labour's rights do not translate into actual practices at farm level. Employing the dual labour market theory as a theoretical backdrop, we address this question by providing an in-depth analysis of the situation of farm migrant labour in Norway. Integral to this analysis is an emphasis on how the particularities of the national (Norwegian) agricultural context influence the implementation of labour-capital relation at farm level.

Empirically, we address the research question through a corpus of 54 qualitative, in-depth interviews with migrant farm workers in

Norway. We analyse the relationships between employers and employees at farm level in order to identify the micro-level social mechanisms that may generate low-wages and poor labour conditions for the migrants. We argue that there are two sets of factors underlying this phenomenon: firstly, the structural disempowerment of migrant workers gives them weak negotiating positions vis-à-vis their employers. Secondly, the migrant workers' frame of reference for wage levels is usually their homeland standard, which makes their wages in Norway appear not only acceptable but relatively high, and thus lowers the incentive to bargain for higher wages.

The paper consequently argues that informal institutions established at the farm level, which favour the farmers as the stronger party in the employer–employee relationship, in practice often override the state-sanctioned formal institutions created by the transition rules and other labour regulations. State regulations have nonetheless had an impact on migrants' wages and work conditions, however not primarily as an empowering factor for migrant workers. Rather, these regulations work as a frame of reference for farmers needing to avoid formal and informal sanctions from third party domestic actors, for example, by fear of gaining a reputation in public and political debates for the exploitation of migrant employees.

Furthermore, we show how this situation is dependent on national particularities of the Norwegian case. The described situation is theorised to be corroborated by the historical farming structure of farming, e.g. the small-scale family farm character of Norwegian agriculture and the pre-2004 immigration regulation regime, as well as the present-day political framework, e.g. state subsidies and production controls.

2. Norwegian agriculture, Eastern European migrants

The outcomes of the deregulated European labour market seem particularly clear in Norway, especially in its agricultural sector. Norway receives large numbers of migrant workers relative to its population size of 4.6 million, and has been the main destination of Eastern European migrant workers among the Nordic countries (Dølvik and Eldring, 2006). In 2008, the Norwegian Directorate of Immigration issued about 79,000 individual work permits to Eastern European citizens (Norwegian Directorate of Immigration, 2009). Beyond the official figures, there is an additional unknown number of persons working in Norway on other work arrangements, for example, as private suppliers of services, out-stationed personnel, or undocumented migrants.

The Norwegian agricultural sector is one of the major employers of this labour force, especially during the summer season. In 2007, some 27,000 immigrants worked on Norway's 50,000 farms, most of them as short-term/seasonal workers (Vik, 2008). This presence of a large migrant labour force represents a relatively new feature of Norwegian agriculture. As late as in 1990, only about 4300 work permits were given to foreign farm workers under the state seasonal immigration quota programme which was established that year. Since then, the use of foreign labour on Norwegian farms has increased steadily (see Rye and Frisvoll, 2007 for an overview). This is due to developments both within the wider society and the agricultural sector over the recent years. Firstly, the traditionally flexible labour force of housewives, students and other groups who potentially engage in manual seasonal work has diminished over the recent decades. Secondly, prior to the present global financial crisis a long-lasting economic boom produced very low levels of unemployment in Norway and this additionally shrunk the national labour force reserve available to the agricultural sector. Thirdly, farmers face increasing competition for the remaining part-time labour force from other trades, which are usually able to offer

² Transitional regulations varied among the 'old' EU member states. The governments of England, Sweden and Ireland liberalised access to their labour markets for the citizens of EU8 group (i.e. Poland, Estonia, Latvia, Lithuania, Hungary, Slovakia, the Czech Republic and Slovenia); other countries maintained their work permit systems, although with some modifications. For instance, Italy and Portugal combined a work permit system with a special entry quota; France maintained its work permit system with some exceptions (i.e. in the research sector), and Germany and Austria additionally applied restrictions also on the posting of workers in certain sensitive sectors. Although Norway was one of the countries which maintained work permit schemes, obtainment of such a permit is almost automatic, provided there is a full-time employment offer from a Norwegian employer, guaranteeing equal work and payment conditions to domestic workers.

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