

## Labour rights of migrant workers

### Summary

For the Ministry of Social Affairs and Employment, I&O Research and Centerdata conducted research on labour rights of the people working in the Netherlands. The study explored 1) how often conflicts between employers and employees occur and 2) what steps employees take to obtain their rights and solve the problem. In this research, migrant workers were a specific population targeted. The *Share My Voice* panel was used for this purpose.

The research shows that 35% of Dutch workers had a conflict with their employer in the past five years (for example, about the salary, illness or the employment contract). Migrant workers experience employment law related problems more often than the Dutch working population. About six in ten migrant workers have experienced this, according to the study. This mainly concerns undesirable behaviour (bullying, discrimination), work times, salary/allowances and the employment contract.

Four out of five migrant workers take action to resolve the problem. They do this mainly by seeking information and engaging in consultation with the employer. Formal steps (such as involving a legal expert or starting a legal procedure) are much less common. Compared to Dutch workers, migrant workers are much less positive about discussion with the employer to solve the problem. Moreover, migrant workers indicate that a lack of knowledge of Dutch law is a major obstacle. When faced with a (labour law) conflict with the employer, they find it difficult to understand Dutch law and find the accurate information on the internet.

### About the survey

In May and June 2022, the members of the research panel *Share My Voice* received an invitation to fill in the survey about the employment law related issues. 192 migrant workers completed the questionnaire. In comparison, a significantly higher response rate (6,150 responses) was obtained from the working population in the Netherlands. In addition to the survey, trade unions and organizations that represent the interests of labour migrants were interviewed. Because so few labour migrants responded to the questionnaire, the findings should be interpreted with some caution. However, given that the results for labour migrants are consistent with the conclusions that follow from the interviews, (tentative) observations can be made.

### Number of labour law conflicts

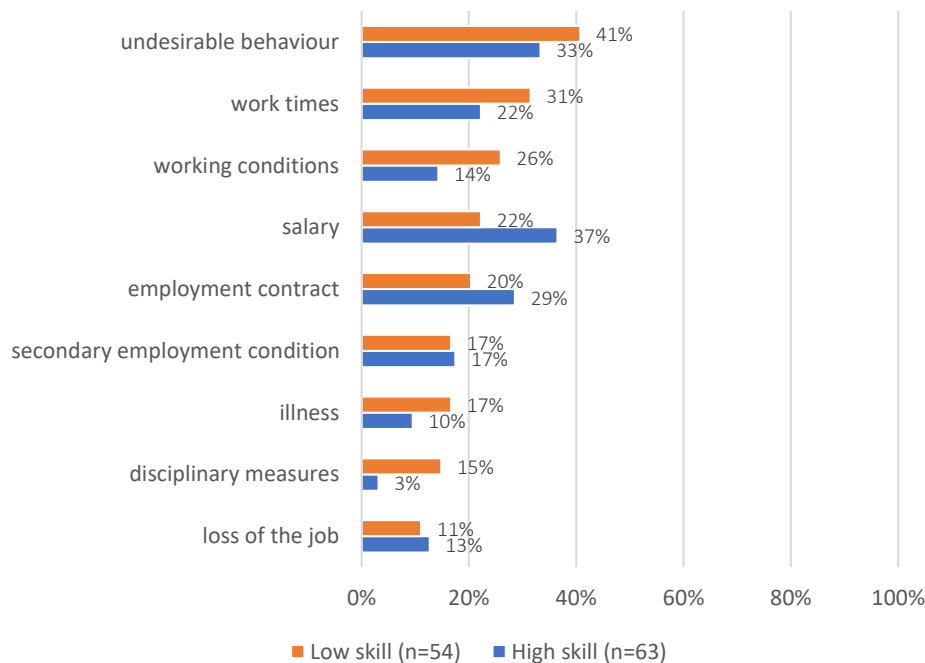
The results show that compared to Dutch workers, labour law conflicts seem to be much more common among migrant workers. More than six out of ten labour migrants say they have been in a conflict with their employer. Among Dutch working people, this is 35%. An explanation for this higher percentage does not immediately follow from the study's analysis.

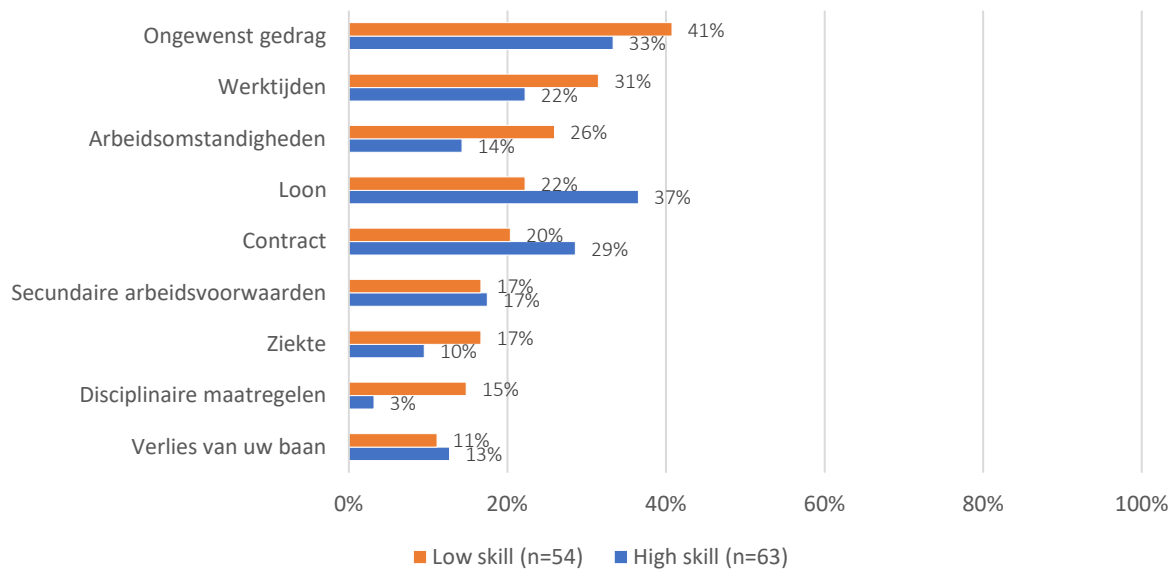
**Table 1. Prevalence of employment conflicts among migrant workers**

Migrant workers	High-skill (n=98)	Low-skill (n=92)
Without conflict	35%	39%
With conflict	65%	61%

More than two in five low-skilled migrant workers (41%) have experienced a situation about undesirable behaviour in the last conflict. Just under a third (31%) experienced a conflict about work times and 26% about working conditions. Conflicts about disciplinary measures (15%) or loss of the job (11%) are less common among low-skilled migrant workers when looking at the last conflicts they had. Among high-skilled migrant workers, conflicts are most often about salary (37%), undesirable behaviour (33%) or the employment contract (29%). Among this group, conflicts are less often about illness (10%) or disciplinary measures (3%).

**Figure 1. Latest conflict by type of migrant worker (base: migrant workers with a labour conflict)**  
Multiple responses possible



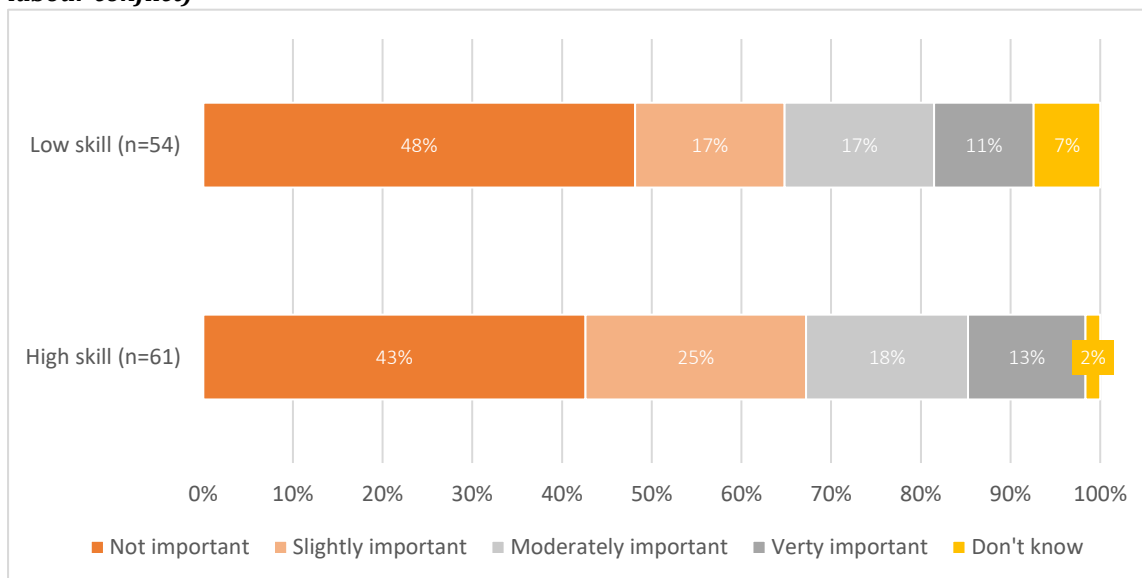


The interviews show that many of the labour conflicts that come to the attention of trade unions or the SNCU are about remuneration, such as not paying the correct number of hours or allowances not being deducted. SNCU also indicates that many migrant workers are not well informed about their rights when it comes to sickness and work disability. The numbers emerging from this survey may then underestimate the real problems in this area.

FairWork noticed that many conflicts arise from poor communication between migrant workers and employers. Migrant workers do not know enough about their own terms and conditions of employment, and the information provided by employers (via an app or in online protocols) does not always meet the needs of employees. Migrant workers do not always understand what their contract involves. According to FairWork, migrant workers are surprised when they hear that a flex contract means they can be out of work the next day (including housing they rent from the employer).

More than two in five migrant workers who experienced labour law conflict in the past 5 years, feel that employers do not consider conflict resolution to be important at all.

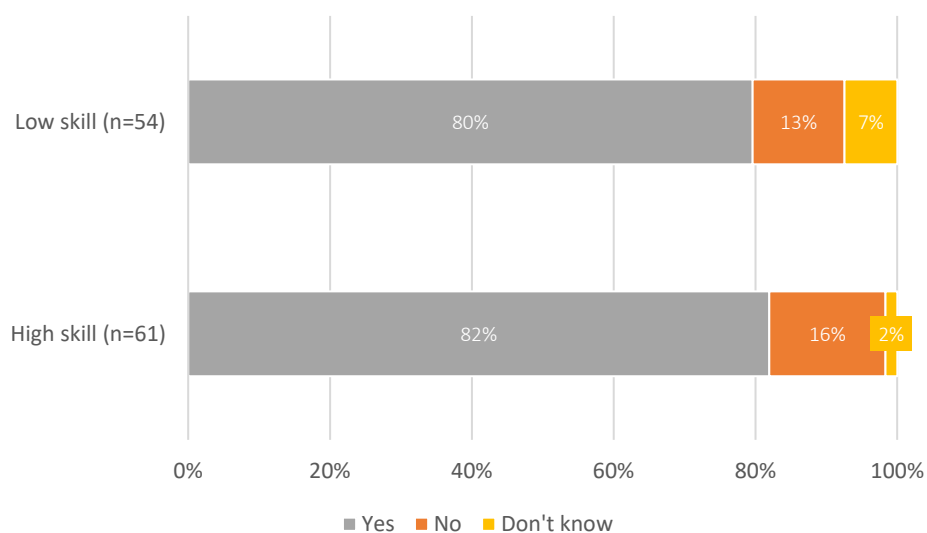
**Figure 2. Importance of resolving conflict for migrant worker employer (base: migrant workers with labour conflict)**



### The resolution of the conflict

Like Dutch workers, a majority of migrant workers have also been willing to take steps to resolve the labour law conflict: four in five have taken action to resolve the problem. There is almost no difference here between low-skilled or high-skilled labour migrants.

**Figure 3 Taking steps to solve labour law problem (base: migrant workers with labour law conflict)**



Migrant workers follow the same route to resolve labour law problems as Dutch workers. A large majority (90%) engage in discussions with the employer and about seven in ten migrants ask relatives for information or advice. This is followed by seeking information or support personally

(about six in ten migrant workers do so). Nevertheless, due to the low absolute numbers, comparisons between the two groups cannot be made.

	Average step (high-skill)	% high- skill	Average step (low-skill)	% low- skill
Consultation with your employer	1,6	90%	1,6	90%
Personally seeking information	1,8	59%	1,9	63%
Asking colleagues, family, friends for information / help	2,1	71%	2,0	73%
Asking information from a trade union	3,2	10%	2,9	27%
Advice or help from a legal expert	3,5	22%	3,7	29%
Internal procedure	3,1	16%	3,7	12%
Legal procedure	5,0	2%	6,3	7%

When combining informal and formal steps, it appears that there is almost no difference between high-skilled and low-skilled migrant workers. Among high-skilled migrants, 41% take a formal step compared to 39% of low-skilled migrants.

The findings from the survey do not quite match expectations that emerged from the interviews. In the interviews with trade unions, it was indicated that migrant workers in particular who work on a temporary basis, are more likely to encounter labour law conflicts, but do not (or cannot) stand up for their rights because if action is taken, they get fired or the contract is not renewed. The indication from this questionnaire is that a majority of migrant workers actually did take action to resolve the conflict. It was stated in the interviews that, in contrast to Dutch workers, enforcing one's own labour law by labour migrants more frequently affects job security than and causes a bad relationship with the employer. However, numbers are not known because e.g. the temporary employment agencies (according to the trade unions) do not release data on employment contracts, salaries et cetera. Due to the level of response, expectations from these interviews cannot be adequately tested.

However, a general direction can be given when no distinction was made between low- and high-skilled migrants for this analysis. In particular, the aim of migrant workers' solution route seems to be to gathering information about their own rights and how to resolve the problem. They have this goal both in their own search or when contacting an organisation. Migrant workers seem to search for solutions on their own more often, but sometimes colleagues are also involved. Migrant workers seem to have more difficulty in having the conversation with the employer. Few respondents in the questionnaire are positive about this. This may also explain why labour migrants seem more negative about the outcome of the solution process: we assume that, just as for Dutch workers, the relationship with the employer will also be important for migrant workers.

In terms of user experiences, a number of migrant workers share their view in an explanation. In particular, they indicate that a lack of knowledge of Dutch law is an obstacle and that when faced with a (labour law) conflict with the employer, they find it difficult to understand it.