Abstract

Research on labour market policy reform in Europe has not given sufficient emphasis to the role of concerns regarding labour immigration, what I term the “migrant worker factor”. Concerns about a reduction in the availability of migrant workers and the size of migrant worker inflows can catalyse a shift in labour market policy. Furthermore, labour market policy reform can be stimulated by concerns over the impact of immigration on employment standards and domestic worker employment. I present recent cases of reform in the vocational education and training and employment standards compliance arenas in Ireland and the UK, which have been stimulated by one or more of these concerns. I argue that, in general, the “migrant worker factor” contributes to labour market policy reforms which increase the role of the state in the economy.
Introduction:

Western European states have been under increasing pressure to carry out labour market policy reform since the mid 1970s. The main factors which are seen to have stimulated reform are the liberalization of capital and trade flows, the slowdown in economic growth and economic restructuring, population ageing, neoliberal ideas and European Union constraints. Among other outcomes, these factors are argued to have created a climate of economic austerity and a focus on supply-side policies (Pierson 2001; Vail 2007; Schmidt 2002; Thelen 2003).

I posit that another significant stimulus for labour market policy reform in Europe are concerns regarding labour immigration; what I term the “migrant worker factor”. Research has been undertaken on the policy impact of concerns regarding a reduction in employment standards and unfair labour market competition as a result of the free movement of labour and services in the EU. However, I argue that the “migrant worker factor” goes beyond the issue of employment standards in an integrating Europe.

Non-EU immigration has also stimulated labor market policy reform. Furthermore, along with unease about the impact of immigration on employment standards and domestic worker employment, concerns about a reduction in the availability of migrant workers and the size of migrant worker inflows can catalyse a shift in labour market policy. I assert that this change involves a greater role for the state in the labour market.

The primary aim of this paper is to show how the “migrant worker factor” has stimulated labour market policy reform in Europe, over and beyond the question of employment standards within the European Union. A secondary aim is to illustrate how this factor contributes to a shift towards more state intervention in the economy. A third objective is to show how variation in the “migrant worker factor” contributes to the explanation for varying degrees of reform in different states. I endeavour to meet these objectives by presenting two cases of labour market policy reform in which the “migrant worker factor” has had an

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2 In this paper labour market policy is broadly defined as all public intervention regarding the collective interest in employment (Ferrera 2006) and encompasses policy areas such as employment regulation, active labour market policy and vocational education and training policy. I refer to policies and institutions interchangeably, however policies can only be conceived as institutions when they constitute enduring national rules, norms and standard operating procedures (Bouma 1998; Thelen 2003; Streeck and Thelen 2005).

3 Labour migration refers to cross-border movement – legal and undocumented – followed by employment in a foreign country.
impact; vocational education and training (VET)\(^4\) and employment standards compliance (ESC)\(^5\) reform, in two Liberal states, Ireland and the UK, over the past decade.

I begin by disembedding the “migrant worker factor” from the literature on Europeanisation, where until now it has been ensconced. I conceptualise the “migrant worker factor” as a stimulus for labour market policy reform; disaggregating it into three specific concerns regarding economic immigration and discussing how they affect policy. This is followed by a brief consideration of case study choice and methodology. I then set out how the “migrant worker factor” has contributed to labour market policy reform, involving a greater role for the state, in the VET and ESC arenas in Ireland and the UK. The paper ends with a brief conclusion.

1. The “migrant worker factor” and labour market policy

The “migrant worker factor”: beyond employment standards in an integrating Europe

The literature on labour market policy reform in Europe has not given sufficient emphasis to pressure to reform as a result of economic immigration. While scholars have looked at national response strategies, in particular social partner responses, to the free movement of labour and services in the EU, this research has circumscribed the “migrant worker factor” within a broader context of Europeanization, with the specific aim of identifying strategies against wage dumping and the “race to the bottom” (Schulten 2006; Kahmann 2006; Lillie and Greer 2007; Menz 2005; Donaghey and Teague 2006; Commander et al. 2006; Dolvik and Eldring 2006; Lismoen 2006; Woolfson and Sommers 2006). For example, Menz and Lillie and Greer have examined efforts to re-regulate labour markets in the construction sector in various EU member states, in the face of free movement of labour and services from Central and Eastern Europe (Menz 2005; Lillie and Greer 2007).

The migrant worker - individual or posted - is thus generally painted in this literature as an EU national (often employed in the construction sector). As the presence of non-EU migrant workers has also resulted in labour market reform in Europe, I argue that the impact of the “migrant worker factor” on labour market policy goes beyond questions of

\(^4\) VET is defined here as the preparation of people with skills and/or competences for entry into or development in a specific occupation/sector. VET is often discussed in terms of “Initial” or “Continuing” vocational education and training. Initial refers to preparation for entry into a specific occupation or sector while continuing refers to the further education and training for those in employment (Cedefop 2008).

\(^5\) ESC is defined here as the national system of monitoring and enforcing compliance with employment standards, which may be the responsibility of the state and/or the social partners (in particular the trade unions) (Hjarno 2003).
European integration. Moreover, while these authors have looked exclusively at efforts to reinforce and protect employment standards, I posit that the “migrant worker factor” can also impact other areas of labour market policy from VET to active labour market policy (ALMP)\(^6\).

**The “migrant worker factor” as a stimulus for reform**

The “migrant worker factor” can be conceived as a stimulus for labour market policy reform. This factor encapsulates three concerns about economic immigration, which are either entertained by policymakers\(^7\) or relayed to them by other actors. The **first** concern is about the continuing availability of migrant workers; due to developments in international labour markets, policymakers fear that they will not be able to carry on accessing and retaining migrant workers. This concern can also be the result of actual developments, for example a fall in the number of applications for work permits. The **second** involves unease about the size of migrant worker inflows; policymakers are concerned that migrant inflows are too large and/or that the economy is too reliant on migrant labour. The **third** is the perception of economic immigration as a threat to the resident workforce in terms of employment standards or employment. This concern is most often transmitted to policymakers by trade unions. As with the first concern, this can revolve around actual or future developments; for example, concern emanating from specific cases of migrant worker exploitation or apprehension about declining employment standards in anticipation of large migrant inflows, based on the assumption that migrant workers accept lower wages and employment conditions than the domestic workforce.

Labour market policy reform stimulated by the first two concerns tends to have the following aim and policy means: increasing the domestic supply of labour/skills available for employment in order to reduce dependency on migrant workers, by means of welfare – in particular the introduction of or strengthening of ALMP\(^8\) – or VET reform (see below).

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\(^6\) Unlike passive labour market policies which provide financial aid for the unemployed, ALMPs also aim to encourage a return to employment, by means of active job matching or re-training, among other initiatives.

\(^7\) By policymakers I refer to civil servants and politicians.

\(^8\) For example, at the turn of the millennium the Irish National Economic and Social Forum (NESF) recommended actions to support greater participation of the domestic working age population in the labour market in order to reduce the strong demand for migrant workers (National Economic and Social Forum 2000).
Reform stimulated by the third concern can have the above aim and policy means, however, it can also have one of the following two; first, eliminating perceived unfair competition between migrant and domestic workers, through the introduction of new employment standard regulations or reinforcing the ESC system (see below) and second, reducing job opportunities for migrant workers by means of introducing or retaining limitations on access to particular jobs in terms of nationality/origin of qualifications (i.e. institutional discrimination).

These policies all involve a greater role for the state in the labour market in terms of planning, expenditure, regulation, enforcement and/or provision; I thus assert that the “migrant worker factor” stimulates “polanyian” counter movements from Liberalism. While I focus on two Liberal states in this paper, the effect of the migrant worker factor on state intervention is not exclusive to Liberal regimes.

The “migrant worker factor” (MWF) impact on policy:

<table>
<thead>
<tr>
<th>MWF stimuli</th>
<th>Policy aim</th>
<th>Policy mean</th>
<th>Interactive/mediating factors</th>
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<tbody>
<tr>
<td>a perceived reduction in the availability of migrant workers</td>
<td>increasing the domestic supply of labour/skills available for employment (i.e. increasing self-sufficiency in labour/skills)</td>
<td>strengthening of ALMP or VET systems</td>
<td>Interactive factors e.g. international discourse</td>
</tr>
<tr>
<td>unease regarding the size of migrant worker inflows</td>
<td>eliminating perceived unfair competition between migrant and domestic workers</td>
<td></td>
<td>Institutional/organizational/ideational mediating factors e.g. rules governing decision-making, trade union strategies, discourse</td>
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<tr>
<td>migrant workers as a perceived threat to employment standards or resident workers’ jobs</td>
<td>reducing job opportunities for migrant workers</td>
<td>new employment standard regulations/strengthening of ESC system</td>
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<tr>
<td></td>
<td>increasing the domestic supply of labour/skills available for employment (i.e. increasing self-sufficiency in labour/skills)</td>
<td>strengthening of ALMP or VET systems</td>
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9 For example, in the postwar period, while West German policymakers effectively chose to recruit migrant workers over facilitating the participation of German mothers in the labour force, Swedish trade union concern about the effect of labour immigration on employment standards led them to support female participation in the labour market. In the 1960s, the government set up an extensive childcare infrastructure to support female employment (Naumann 2005; Lundquist 2006; Moeller 1993).

10 See Menz 2005 on efforts to re-regulate labour markets in Europe following the posted workers directive.

11 This policy has been most (in)famously implemented in France, where certain occupations, such as doctor and architect, are still theoretically off-limits to non-French nationals (GISTI 2008; CIEP 2009; OECD 2007).

12 Polanyi argued that self regulated markets give rise to a spontaneous counter movement, seeking protection against the vagaries of markets. He called the continuing tension and conflict between the efforts to establish and develop free markets and efforts to protect people and society from the consequences of free markets (e.g. early legislation to limit the hours and places of work of women and children) “the double movement” (Polanyi 1985 (c1944)).

13 See examples in references no. 8, 9, 10.
Rather self-evidently, variation in the “migrant worker factor” across states can result in variation in the degree of labour market reform. For example, if concerns about accessing migrant workers are particularly strong in one state, we can expect more assertive efforts to increase self-sufficiency in labour/skills supply. Moreover, as the “migrant worker factor” is conceptualized as a catalyst for reform, its impact on policy across states can depend on other interactive factors, which I define as an additional stimulus driving policy in the same direction, as well as institutional, organizational and ideational mediating factors, which shape the degree and type of policy change (Pierson 2001; Hemerijck 2002; Thelen 2001; Schmidt 2002; Hall 1993; Huber and Stephens 2001; Guiraudon 2000; Tsebelis 1995).

In this paper, I focus on the aims of increasing the domestic supply of skills available for employment and thus reducing reliance on migrant workers by means of VET reform and safeguarding employment standards and domestic workers’ employment through ESC reform.

As regards VET reform, I focus on the policy impact of the first two concerns; the size of migrant inflows and the declining availability of migrant workers, as a result of economic development in countries of origin and increasing international competition over skilled workers. VET reform may be more likely when there is already strong consensus on the need for reform - often the result of pervasive international reform discourse (interactive factor).

The policy of safeguarding employment standards and domestic workers’ employment – the third concern - through reinforcing the ESC system appears to be often, though not exclusively, stimulated by specific scandals/tragedies involving the employment of migrant workers. I find that the degree of ESC system reform depends on the specificity of the scandal/tragedy involving the employment of migrant workers (i.e. variation in the

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14 Different national institutional arrangements can drive divergent policy outcomes, for example, institutional rules determine where decision-making takes place and how decisions are taken (Immergut 1992; Guiraudon 2000). Moreover, it is also important to take into account the preferences and distribution of power resources in civil society, in particular the policy preferences and relative power of the social partners across states (Menz 2005; Thelen 2004; Huber and Stephens 2001). Finally, ideas are also considered important factors in explaining labour market policy reform variation. For example, Schmidt provides a succinct definition of the policy discourse which can create consensus for long-term change: “a set of ideas about the necessity and appropriateness of reform and an interactive process of policy construction and communication” (Schmidt 2002 p.169).

15 In my VET case study, I do not analyse mediating factors due to the similarity of the policy output in the two states.

16 ESC systems can also be reinforced in anticipation of large inflows of migrant workers, for example, following specific chapters in the liberalization of labour and services within the EU (see for example Lillie and Greer 2007).
“migrant worker factor”), as well as institutional, organizational and ideational mediating factors, particularly trade union influence and strategy.

2. Case study selection and method of analysis

I investigate how the “migrant worker factor” impacts labour market policy reform between 1997 and 2008 in two European Liberal states, Ireland and the UK. I have chosen to focus on this “matched pair,” (Schmidt 2002) in an endeavour to better explain the conditions under which the “migrant worker factor” can stimulate labour market policy reform, controlling for as many variables as possible.

Ireland and the UK are often categorized as Liberal Market Economies due, among other features, to their lightly regulated, flexible labour markets, underdeveloped VET systems and lean welfare states based on means testing (Esping-Andersen 1990; Wickham and Boucher 2004; Hall and Soskice 2001; Ebbinghaus 1999; Hemerijck 2002; Bonoli 1997; Castles and Mitchell 1993). These two states can also be paired in terms of economic conditions over the past decade; both countries having benefitted from high growth rates and low unemployment rates since the late 1990s (Lane 2007; Eurostat 2009). Ireland and the UK have also received among the highest levels of inward migration in Europe over the past decade from both non-EU and EU countries of origin. Moreover, an important segment of migrant workers have been admitted for skilled occupations; for example, in 2005, 27.2% of doctors in Ireland and 33.1% of doctors in the UK were foreign trained, compared to 4.2% in Germany and 6.2% in Holland (OECD 2007).

However, socio-economic governance systems differ in these states. While the British trade union movement was excluded from the policy arena during the Conservative party’s period in office (1979-1996) and has been unable to regain significant influence over policy over the past decade of Labour government, Ireland has been governed in a coordinated way since 1987 (Collins and O’Shea 2000; EIROnline 1999; Waring et al. 2008). The Irish “Social Partnership” system involving government, the social partners, and since 2000, the “social pillar,” is a consensual form of governance, the corner piece of which are National Partnership Agreements, which cover public and private sector wage agreements and a broad set of economic and social issues (Begg 2007; Turner 2002; Taylor 2005).

17 Moreover, liberal/individualist values predominate in public attitudes towards state intervention in the economy in both states (Payne and McCashin 2005; Schmidt 2002). These liberal/individualist values are particularly reflected in attitudes to the structure of work and the economy. Public attitudes to the welfare state are more nuanced (Schmidt 2002; Clasen and Clegg 2003; Payne and McCashin 2005).

18 Community and voluntary organizations.
Nevertheless, while providing an institutional bargaining position for trade unions, this system has been argued to be dominated by business interests and to be a form of "embedded neo-liberalism" or "competitive corporatism"\(^{19}\) (Menz 2005; Turner 2002). Moreover, both Irish and British trade union movements have faced declining membership over the past two decades, thus while the Irish labour movement has formalized institutional access to government, neither movements have a strong presence on the "shop-floor".\(^{20}\)

I have chosen to focus on VET and ESC system reform. While VET reform illustrates the significance of the first two concerns regarding economic immigration - reduced availability of migrant workers and the size of migrant inflows - ESC reform demonstrates the significance of the third concern; employment standards and domestic workers’ employment. Furthermore, my analysis of ESC reform illustrates the independence of the “migrant worker factor” from the Europeanisation process and my investigation into the VET policy arena shows its impact outside of the employment standards domain. Finally, the ESC case study illustrates how variation in the “migrant worker factor” contributes to varying levels of reform in the two states.

This investigation into the role of the “migrant worker factor” in stimulating labour market reform is based on qualitative case studies of recent labour market policy reform processes in Ireland and the UK. My main sources are official documents, mass media and interviews with civil servants and representatives of the social partners in the two states conducted between June 2007 and November 2008.

3. Case studies:

The “migrant worker factor” and market embedment:

While, the literature on Europeanisation has highlighted national re-regulatory efforts following specific chapters of EU liberalisation, in general the literature on labour market reforms implemented over the past two decades paints a picture of a broad process of liberalization; Streeck and Thelen maintaining that liberalisation is “the common denominator of many of the changes presently occurring in advanced industrial

\(^{19}\) The concept of "Competitive Corporatism" is used to describe the new social pacts which emerged in Europe in the 1990s in response to a crisis in employment and competitiveness. This Liberal form of corporatism is based on an understanding of a fundamental commonality of interests between capital and labour, unlike the acknowledgement of class conflict which is the basis for compromise within social corporatist forms of corporatism. In Competitive Corporatist systems, the aim of economic demand for efficiency – particularly flexible labour markets - tends to outweigh that of social egalitarianism (Turner 2002; Rhodes 1998).

\(^{20}\) In 2003, union density in Ireland was 35.3% while it was 29.3% in the UK (Visser 2006).
economies” (Streeck and Thelen 2005 2). In fact, it is considered easier for a Coordinated economy to shift towards the Liberal model than the reverse, as the latter constitutes the removal of institutions rather than their development (Streeck and Thelen 2005).

However, in general, recent VET and ESC system reforms in Ireland and the UK, which were stimulated by the “migrant worker factor,” have involved market embedment; a greater role for the state in the labour market. In this sense, it appears that these states have been undergoing some kind of countermovement from Liberalism over the past decade. This position would find support from scholars such as Andersson, who assert that New Labour’s “Third Way” is not a form of neoliberal governance due to its support for a more interventionist state (Andersson 2007). This dynamic is also in line with the understanding among neoliberal thinkers at the end of the 1990s that successful economic growth depended on institutions (Massey 2006).

a) VET reform

One characteristic of the Liberal market economy is an underdeveloped VET system. This institutional feature has resulted in persistent skill shortages and a tradition of recruiting skilled migrant workers in the UK; a dynamic which has more recently developed in Ireland. However, over recent years, the VET systems in both states have undergone significant reform. I focus here on skills needs forecasting and VET provision. I argue that reform has been inspired by pervasive international discourse on human capital competitiveness and catalysed by concerns about the reduced availability of migrant workers and the size of migrant worker inflows.

VET systems in the UK and Ireland:

The ‘Comparative Capitalisms’ literature is very clear on the VET deficit in Liberal states (Thelen 2001; Estevez-Abe et al. 2001; Finegold and Soskice 1988; Schmidt 2003). Liberal education and training systems have traditionally put most emphasis on general school education and the state has had a hands off approach to apprenticeships and continuous training.

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21 Much of the Comparative Capitalisms literature (see below) distinguishes between two types of political economy; Liberal Market Economies (LMEs) such as the UK and Coordinated Market Economies (CMEs) such as Germany. In the latter regime, inter-firm relations are more co-operative, based on networks of firms with close connections with customers, suppliers and banks (Hall and Soskice 2001).

22 For alternative understandings of the Third Way; (Howell 2005; Driver and Martell 1998; Amable 2003; Glyn 2001; Schmidt 2000).

23 This literature identifies distinct capitalist regimes, the institutional configuration of which shape the economy and the collective supplies of inputs (skills, capital etc.) available to firms in different ways (Jackson and Deeg 2006).
From the late 1970s, in the face of industrial decline and growing international competition, British governments stressed the key role played by effective VET in securing the country’s competitiveness and the system was subject to a high degree of institutional reform in the 1980s and 1990s. Nonetheless, this reform has been under-girded by the voluntarist assumption that the state should leave as much space as possible for individuals and employers to increase their investment in education and training (Finegold and Soskice 1988; Clegg and Grayson 2002). There has been little legal obligation for employers to train staff and public resources devoted to the education system underwent a steady decline between the mid-1970s and 2000 (Green 2003).

The Irish education and training system is generally placed in the same category as the British system (Iannelli and Soro-Bonmati 2003; Gangl 2003; Wickham and Boucher 2004) and is, indeed, based on the British tradition of public general education and a low level of regulation of firm based/employee training. Nonetheless, it is important to note that one of the most common explanatory factors for the remarkable growth of the Irish economy during the 1990s was the existence of technical graduates, which contributed to attracting foreign direct investment (FDI).

In fact, since the mid 1950s, the Irish state has focused its economic policy on attracting FDI, particularly American industries producing high-technology goods, and this has made the production of the required technical skills a main concern of the education and training system (O’Riain 2000; Dorgan 2006). However, the prioritisation of technical skills for the high technology industrial sector makes action to reinforce skills production for other sectors less certain. In fact, Wickham and Boucher argue that while the state produced a large volume of technical graduates, less focus was placed on the education and training levels of the population as a whole (Wickham and Boucher 2004).

The underdevelopment of economy wide VET in the UK and Ireland has resulted in constant skill shortages and demand for migrant workers. This is exemplified in the health sector, where due to long-term restrictions on the numbers of places in schools, Ireland and the UK have the highest percentages of foreign doctors and nurses in Europe (Department of Health and Children 2006; OECD 2007; Bach 2008).25

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24 Moreover, a far higher proportion of secondary school students are enrolled in the general education stream in Ireland than in the UK. In fact, while 58% of those enrolled in upper secondary education in the UK were in vocational/technical streams in the mid 1990s, only 21% were in Ireland (OECD 1998).

25 For example, in Ireland, the intake of Irish undergraduate medical students was capped at 305 per annum between 1978 and 2007 (Mooney 2008; Department of Health and Children 2006).
Policy reforms:

Over the past few years, both states have made significant – if not historic - efforts to increase the domestic supply of skills in order to better respond to skill shortages, involving an increase in VET funding, planning, regulation and provision.

The UK and Ireland have increased spending on education to a significant degree. In fact, for all levels of education combined, public and private investment in education increased in all OECD countries by at least 8% between 1995 and 2005 in real terms, while in Ireland and the United Kingdom spending increased by more than 50%.\(^26\)

The Irish state’s focus on anticipating skills needs has grown from the establishment of the Expert Group on Future Skills Needs (EGFSN) in 1997. Between 2005-7, the first efforts were made to forecast skills demand for the entire economy, the potential role of EU and non-EU nationals and to provide quantitative targets for the Irish educational and training system, within the framework of two reports *Skills Needs in the Irish Economy: The Role of Migration* (2005) and *Tomorrow’s Skills: Towards a National Skills Strategy* (2007). The European Commission has recently highlighted Ireland for its efficient use of skills forecasts in education planning (EC 2008).

The UK has also recently embarked on in-depth analysis of skills demand and supply and the role of immigration and currently has one of the most sophisticated and transparent systems for analysing demand for migrant workers in Europe (EC 2008). Among the criteria for whether it is “sensible” to fill shortages with immigration are indicators for efforts to train and up-skill the UK resident workforce (MAC 2008).

These developments are part and parcel of a new focus on VET in general, which has developed incrementally since 1997, manifested in Ireland by the establishment of a new National Training Fund (NTF) in 2000, which is resourced by a levy of employers’ social insurance contributions and covers 75% of all insurable employees (Cedefop 2007). In the UK, following the Leitch Review of Skills report 2006, the government has announced a “Skills Revolution,” pledging to reduce the UK’s historic skills deficit at all levels by 2020 (Department for Innovation Universities and Skills 2007). A new UK Commission for Employment and Skills has been set up which is tasked with advising government on

\(^26\) The UK has increased the proportion of GDP spent on education by over one percentage point between 2000 and 2005, moving to a level close to that of France (OECD 2008). In fact, the UK has never spent more on education and training as a proportion of GDP, at least not over the last thirty years (Department for Children 2008). The proportion of GDP spent in Ireland decreased by 0.5 percentage points between 1995-2005, however, spending on all levels of education combined increased by more than 80% between 1995 and 2005, while GDP more than doubled (OECD 2008).
strategy and targets and ensuring that services provide the skills that employers and individuals need. Significantly, this Commission is to report to Government in 2010 on whether a statutory entitlement on training is appropriate (Department for Innovation Universities and Skills 2007 p. 11).

The focus on increasing the production of domestic skills is exemplified in the health and construction sectors in both states. For example, the Irish medical education system was reformed in 2006 with the aim of significantly increasing the number of places for Irish/EEA nationals in medical schools (DHC 2006). Equally, in the UK there was a policy shift around 2003-4, emphasising more self-sufficiency in doctors, which resulted in an expansion in medical schools. Regarding the construction sector, since a national employment agency recommendation of 2003 (FAS 2003), three new schools of architecture have been set up in Ireland (email from RIAI March 2008). Likewise, the UK’s Migration Advisory Committee (MAC) analysis of the construction industry, produced between April and May 2008, underlines how the levels of training in the industry are inadequate and strongly recommends moving the focus from importing skills to producing them in the UK (Chan et al. 2008).

**Explanatory factors for policy reform:**

How can this new emphasis on self-sufficiency in skills be explained? What can account for this apparent shift to more state intervention in VET? I argue that this change in approach can be explained by the growing significance of international human capital competitiveness, but also, perceptions of migrant worker availability and unease about the size of migrant worker inflows.

1. **Human capital competitiveness**

The most obvious explanatory factor for the increasing emphasis on domestic skills production in Ireland and the UK is the pervasiveness of discourse on human capital competitiveness in established economies, which has grown steadily since the 1970s - and rapidly since the turn of the millennium. The focus on education and training in Europe - and other advanced industrial societies – is mainly based on forecasted increases in the number of high skilled jobs and declines in low-skilled employment, as well as a

27 It is estimated that the number of medical graduates in England will rise from 4,091 in 2004 to 6,062 in 2011. This self-sufficiency policy has led to restrictions on the entry of non-EU doctors, for example the government announced in 2008 that non-EU doctors will be “temporarily” prohibited from taking UK National Health Services (NHS) training posts from 2009 (Bach 2008).
preoccupation with declining global competitiveness following the rise of new low-cost producers in Asia (Crouch et al. 1999).

At the Lisbon summit in 2000, European Heads of government set the strategic goal of making Europe “the most competitive and dynamic knowledge based economy in the world” by 2010 and education and training policy is key to the achievement of this goal (Cedefop 2008; Brunello et al. 2007). Three major policy statements in the context of the Lisbon strategy emphasised the importance of VET; the Copenhagen Declaration of 2002, the Maastricht communiqué of 2004 and the Helsinki communiqué of 2006 (Cedefop 2008).

All European states have made steps to reinforce VET systems and this is partly the result of intra-European and international competition over levels of human capital attainment.

The above mentioned reports Skills Needs in the Irish Economy: The Role of Migration (2005) and Tomorrow’s Skills: Towards a National Skills Strategy (2007) are based on the premise that skills are one of the key elements of future competitive advantage for Ireland and the UK Leitch Review of Skills (2006) - generally argued to have diffused consensus on the need for a shift in the British approach to skills (interviews HO, CBI) - is also based on an understanding that skills production is the key to economic success in the global economy; “The Review has concluded that, where skills were once a key driver of prosperity and fairness, they are now the key driver. Achieving world class skills is the key to achieving economic success and social justice in the new global economy.”(Leitch 2006 p.9).

2. Migrant availability and the size of migrant worker inflows

While there has been consensus on the need to reform VET systems in Ireland and the UK, I argue that decisions to increase the supply of resident skills have been catalysed by concerns regarding the continued availability of migrant workers and the size of migrant worker inflows. In fact, I posit that the interaction of these factors has resulted in policy change.

The preoccupation with accessing and retaining migrant workers –the traditional skills safety valve - comes across in policy documents, political declarations and interviews with civil servants. The question of access to skilled migrant workers is tied up with transitional

28 For example, the OECD Education at a Glance series is a powerful tool for highlighting relative deficiencies in education and training provision at an international level.
arrangements on labour mobility from the EU accession states and the economic development of the new member states as well as the “Brain Drain” debate and perceptions of increasing global competition over skilled mobile workers.

Irish and British policymakers are aware that they have gained many skilled workers from the 2004 enlargement of the EU due to the fact that they were – along with Sweden – the only states to immediately open up their labour markets to workers from these states. As more EU states remove transitional arrangements, which restricted labour mobility from the EU8, Ireland and the UK will arguably receive less labour and skills from these countries. Moreover, policymakers recognised that the Polish economy and those of the other EU8 states were developing at a rapid pace and that soon there would be less push factors for emigration (National Economic and Social Council 2006).

As a civil servant in the Irish Department of Enterprise, Trade and Employment (DETE) asserted in November 2007: “I think there is a recognition that the boats are rising generally in Europe, that Poland in 10 to 15 years time will be where we were two years ago and there is only so much there in the pot” (interview DETE). In a similar vein, UK Skills Minister, David Lammy, asserted that British employers should invest in training rather than developing a reliance on migrant workers, as if there was an economic downturn or better opportunities were presented elsewhere in the EU, migrants may move away (Lucas and Mansfield 2008).

Brain Drain – that is the movement of the highly educated across national borders- re-appeared as a major public policy concern all over the world at the end of the 1990s, catalysed by an increase in the migration of skilled workers. Concern over the mass emigration of Sub-Saharan African health workers has led to the introduction of “ethical codes of practice” for health worker recruitment - with the UK taking the lead - as well as a preoccupation with increasing self-sufficiency in skills production (OECD 2007). The Brain Drain debate is ensconced in perceptions of global competition over highly skilled workers, from ICT professionals to doctors (Kuptsch and Fong 2006).

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29 The Nice Treaty provides for Transitional arrangements for the free movement of labour, which allows countries to postpone the full opening of their labour markets for a maximum period of seven years (Doyle et al. 2006).

30 “Key uncertainties — particularly surrounding the extent of return migration to the EU10, the impact of a sustained recovery in the Eurozone’s core economies on migrants’ preferences for Ireland, and the pace of economic growth in Central and Eastern Europe itself — do not allow us to conclude that the Irish economy can count indefinitely on the ready availability of a large pool of workers from within the EU27” (National Economic and Social Council 2006 p.140)

31 The Brain Drain debate first appeared in the 1960s (Tannock 2007).

32 It has been argued that since independence in 1980s, Zimbabwe has lost 80% of health workers trained at its primary university (Tannock 2007).
A look to the Irish reforms of medical education and training illustrates policymakers’ concerns over migrant availability and over the retention of migrant workers. A fall in applications from non-EU doctors around the turn of the millennium (National Task force on Medical Staffing 2002) contributed to a rapid change in policy regarding numbers of places for Irish/EU nationals in Irish medical schools. As the Fottrell report of 2006 asserted, “in an increasingly competitive market for qualified doctors internationally, Ireland cannot simply depend on a continued supply of non-national doctors to meet its requirements” (Department of Health and Children 2006). In fact, in Ireland, the understanding of “shortages” in medical staff has been based on the conception of a global supply of medical staff. This explains why reform of the Irish medical education and training system was delayed until difficulties emerged in attracting and retaining migrant workers; “We possibly looked at it like we were meeting needs with migrants and so there were not really shortages as such...If it becomes difficult to retain non-EU doctors, concerns occur. There was increasing competition over international doctors, around the Buttimer report (2006), with talk of the UK soaking up all the non-EU doctors.” (interview DHC).

I posit that the concern with declining availability of migrant workers was heightened in Ireland and the UK by unease regarding the size of migrant worker inflows and a sense of over-reliance on labour migrants. Between the late 1990s and 2006, both states received large inflows of non-EU workers and unexpectedly large inflows of migrant workers from the EU8 (Doyle et al. 2006; Salt and Millar 2006; OECD 2007). Subsequently, with growing doubts regarding the sustainability of strong economic growth, there was an undeniable shift from the previous positive consensus on immigration among Irish and British policymakers (National Economic and Social Council and IOM 2006; House of Lords Select Committee on Economic Affairs 2008). Moreover, the British state is under some pressure to restrict immigration in the context of pervasive anti-immigration sentiment among the public (interview CBI).

Irish policymakers have demonstrated a fluctuating consensus regarding inward migration and its positive and negative attributes. One can describe this policy consensus as an n-

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33 The European Working Time Directive (EWTD) 1993 also created an important impetus for reform of medical education and the hospital medical staffing (see National Task Force on Medical Staffing 2003 p.55).

34 Regarding retention problems, part of the rationale behind restricting non-EU medical graduate access to post graduate training in the UK in 2008 was the assertion that more than half of international medical graduates leave within four years of joining the National Health Service (Merrick 2008).

35 In 2004, 29% of Eurobarometer respondents in the UK considered immigration to be one of the two most important problems facing the country compared to 7% in Ireland and 11% in France (Autumn 2004 eurobarometer).
shaped graph, beginning with a cautious approach in the late 1990s early 2000s, rising to an optimistic high between 2003 and 2005 and thereafter falling again, albeit gradually. For example, a prominent civil servant in the Department of the Taoiseach (Prime Minister) stated in late 2007; “I don’t see the same influx as we have been trying to manage over the last five to seven years, which was just too large, the scale was too large” (Interview DT). In a similar vein, the immigration policy team lead in the UK border agency policy asserted in Autumn 2008 that the aim is to reduce dependency on migrant workers; “What we want to do is reduce our reliance on migrant workers, I wouldn’t say we are reliant on them totally, but we clearly have quite a large number that is coming in” (interview HO).

In sum, the increase in state intervention in VET in Ireland and the UK can be understood as the result of an interaction between a general consensus regarding the need to reinforce VET systems in order to compete in the global economy and the catalyzing impact of concerns regarding the ability to continue attracting and retaining foreign workers and the size of migrant worker inflows.

b) ESC reform

I now look to the impact of the “migrant worker factor” on ESC institutional reform in Ireland and Britain, in order to illustrate that concerns regarding the safeguarding of employment standards and domestic workers’ employment are not simply part of the Europeanisation process and often revolve around non-EU migrant workers. These cases also illustrate how variation in the “migrant worker factor” – in this case, the type of scandal/tragedy involving migrant workers - can contribute to the explanation for different degrees of labour market policy reform across states. Finally, these cases show the significance of concerns based on specific incidents of exploitation, underpayment and displacement involving migrant workers, as opposed to apprehension regarding negative repercussions on the labour market from an anticipated rise in immigration.36

Compliance systems in the UK and Ireland:

While the Comparative Capitalisms literature puts much emphasis on the low levels of regulation in liberal market economies (Ebbinghaus 1999; Hall and Soskice 2001), there is less focus on the low levels of enforcement of these regulations. In fact, employers have been under little pressure to be compliant with employment standards legislation and agreements in Ireland and the UK (Metcalf 2007; Begg 2007).

36 See Menz 2005.
The inspection approach has been mainly limited to following up complaints from employees concerned, that is “reactive regulation” (Scott 2007). Typifying the “liberal” lightly regulated labour market, in Ireland, in 2004, there were only seventeen labour inspectors to police the entire economy, while, as the Services, Industrial, Professional and Technical Union (SIPTU) pointed out at the time; there were forty-one inspectors to enforce the smoking ban (SIPTU 2005). Metcalf calculates that a British employer can expect a visit from one of the ninety HM Revenue and Customs inspectors\textsuperscript{37} once every 320 years and to be found not complying once in a millennium (Metcalf 2007). While both ESC systems have been weak, the British system is further impaired by its fragmentation into five enforcement bodies, which have had limited freedom to share information (TUC Commission on Vulnerable Employment 2008).

The Irish trade union movement, though stronger in terms of union density and policy clout than its UK counterpart, has had, until recently, negligible success in monitoring ESC throughout the economy and in stimulating reform of the labour inspectorate. As noted above, the “Social Partnership” system, established in 1987, has coincided with a decline in union density (35.3% in 2003) and failure to develop partnership at the firm level (Taylor 2005).

Policy reform:

Between 2004-8, the Irish and British state ESC systems were reinforced; catalysed by concerns regarding unfair competition from migrant labour and a downward pressure on wages and/or the exploitation of migrant workers. While the timing of this reform coincides with the enlargement of the EU to Central and Eastern Europe, the stimuli for reform have in the most part involved non-EU migrant workers. The Irish ESC system has been more substantially strengthened, particularly in terms of inspectorate personnel, than its British counterpart.

Ireland

The Trade Unions maintain that the Department of Enterprise, Trade and Employment (DETE) and employers’ representative bodies, in particular the American Chamber of Commerce, have traditionally blocked reform of the ESC system (interviews ICTU and SIPTU). For example, in mid 2004 the DETE refused to satisfy trade union demands

\textsuperscript{37} Note that in 2003 France had 1330 labour inspectors and sub inspectors who carried out 226 435 visits (Valat-Taddei 2004) compared to approximately 5000 visits carried out by the UK’s HMRC in 2006 (Metcalf 2007).
regarding a strengthening of the labour inspectorate, even though the Department of Finance was apparently willing to fund an increase in numbers (Begg 2007).

Nonetheless, the Irish ESC system underwent significant reform in 2006-7. The “Towards 2016” national partnership agreement of 2006 set out the framework for the new Irish National Employment Rights Authority (NERA) (Department of the Taoiseach 2006). NERA’s main objective is to increase compliance with employment law through enhanced employment rights awareness activity, carrying out inspections and prosecuting employers when necessary. Within NERA, the number of labour inspectors has been increased to ninety and in 2007, 14,000 inspections/calls/visits were carried out - nearly three times the number carried out in 2004 (Jennings 2006).38 In March 2008, the Minister of Enterprise, Trade and Employment launched new ESC legislation, which introduces new requirements for employers in respect of record keeping, informing employees of their rights and how to seek redress, as well as higher penalties for non-compliance. Moreover, the outcomes of investigations will be exempt from defamation actions, making publication easier.39 The trade unions have welcomed the new ESC system in general, the General Secretary of the trade union umbrella organisation, the Irish Congress of Trade Unions (ICTU) asserting; “I have no hesitation in saying that these measures in their totality, and in the context of the legislation necessary to implement them, represents the single biggest leap forward in social policy initiated in Ireland. Other important social policy changes were inspired by the EU but this is the biggest thing we have ever done of our own volition” (Begg 2007).40

It is widely acknowledged that the catalyst for setting up a new compliance regime came from three highly publicised collective bargaining disputes involving migrant workers (interviews SIPTU, ICTU, DETE), two of which involved non-EU workers from Turkey and Serbia. The first reform stimulus occurred in February 2005, when the GAMA scandal erupted; “the worst realisation of everybody’s fears” (Interview DETE). GAMA, a Turkish construction company, had been operating in Ireland since 2000 with a Turkish workforce of about 900 workers, having obtained major Irish government and local authority infrastructure contracts. In early 2005, it was discovered that the GAMA workforce had

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38 Furthermore, the Social Welfare and Pensions Act 2007 permits NERA to exchange relevant information with the Revenue Commissioners and Department of Social and Family Affairs and to conduct joint investigations with the latter.

39 Employers will have to keep statutory employment records going back at least three years and for two years after staff leaves and it will be made an offence to falsify, conceal or destroy any relevant document.

40 In contrast and significantly, the employers’ group ISME has asserted that it will have a negative effect on small businesses (Wall 2008).
been working excessive hours – up to 12 hours a day, seven days a week, paid far below the minimum rates for construction operatives (Martin 2005).

GAMA was one of the biggest investigations that the labour inspectorate ever carried out and it “woke up a lot of chickens” (Interview DETE). Shortly after this scandal, two other disputes involving migrant workers entered the public sphere; Irish Ferries and Laing O’Rourke. In September 2005, Irish Ferries announced that it was to offer 543 of its seafaring employees a choice between a voluntary redundancy package or an amended contract of employment with terms and conditions of employment far inferior to those set out in the collective agreement in operation at the time. The plan was to replace the employees with agency workers from Latvia after reflagging the vessels in Cyprus. Laing O’Rourke, which concerned a dispute over the under-payment of just under a hundred Serbian workers, made national headlines in Ireland at the end of March 2006. It involved Laing O’Rourke Utilities, a major contractor for the state-owned electricity company, ESB, and a Serbian contractor, Energo Projekt, based in Belgrade (Mulvey 2006; Donaghey and Teague 2006).

These cases and the public protest which they provoked, provided the trade unions with compelling examples of the inadequacy of the current ESC and employment protection system and public support with which to back up their demands for a reinforcement of the system within negotiations for the new national partnership agreement of 2006. On the 9th of December 2005, over 160,000 people demonstrated at the Congress National Day of Protest against exploitation, displacement and a race to the bottom. Meanwhile, ICTU postponed talks on a new social pact for three months until the government provided assurances that the ESC system would be the subject of serious reform (Erne 2006; Begg 2007). The ensuing negotiations for a new national partnership agreement (“Towards 2016”), which resulted in a reinforcement of the ESC system (as well as addressing exceptional collective redundancy situations and supporting employment standards through public procurement, among other regulatory reforms (Department of the Taoiseach 2006)) were the longest in the history of the Social Partnership (Interview SIPTU).

UK:

A tragic event involving migrant workers resulted in reform of the British ESC system. The death of twenty-three Chinese cockle pickers in Morecambe Bay in February 2004
solidified consensus that the regulatory system for “gangmasters” needed to be reinforced. “Gangmasters” are a type of employment agency which have supplied workers – often migrant workers - on a temporary basis to the UK food sector for centuries. While the food sector had established a voluntary license and inspection system in the early 2000s, the new statutory authority - the Gangmasters’ Licensing Authority (GLA), established in July 2004, was largely the result of this “defining moment” (Scott 2007 p.16). However, while the British media have publicized various cases of migrant worker underpayment, for example the case of Indian stonemasons building a Sikh temple in Bedford for less than a pound an hour in 2003 (Lillie and Greer 2007), these cases have not stimulated the same level of ESC reform as in Ireland.

In May 2007, the Trades Union Congress (TUC) established the Commission on Vulnerable Employment (CoVE) to investigate the problems being faced by vulnerable workers. Subsequently, the government set up the Vulnerable Worker Enforcement Forum (VWEF) in June 2007. Like CoVE, this forum brought together unions, enforcement agencies, business groups and advice bodies to investigate the nature and extent of abuse of workplace rights and whether improvements or new approaches were needed to raise compliance. The Forum’s final report of August 2008, which followed CoVE’s (TUC Commission on Vulnerable Employment 2008), took on very few of the latter’s recommendations for reform. While the CoVE report refers to recent reforms of employment standards enforcement in Ireland, for example the trebling of labour inspectors, as worthy of emulation (TUC Commission on Vulnerable Employment 2008), the only inspectorate to be boosted in the UK is the Employment Agency Standards Inspectorate (EASI), which now has twenty-four inspectors, some of whom work part-time (Wynn 2009). In fact, it is maintained that while the government has beefed up its

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41 The terms of the national partnership agreement Sustaining Progress were coming to an end at the end of 2005.
42 A Private Member’s trade union sponsored “Gangmaster (Registration) Bill 2003-4” had not been favoured by government at its first tabling in December 2003, however it was granted a second reading following the Morecambe Bay tragedy and became an Act of Parliament (Scott 2007). The GLA is responsible for licensing gangmasters and temporary employment agencies supplying labour to agriculture, horticulture, shellfish gathering and related produce packing and processing sectors as well as compliance and enforcement activity. The authority has brought over 1,000 gangmasters into the formal economy in its first 12 months (from late 2006) and in the first six months of 2007 193 compliance inspections were carried out. However, 85% of inspections involve prior warning to labour providers (Scott 2007; TUC Commission on Vulnerable Employment 2008).
43 As well as disputes regarding the displacement of workers with temporary migrant labour (Arrowsmith 2005; Tran 2005; Dewhurst 2006).
44 EASI is responsible for ensuring compliancy within employment agencies.
45 Key elements of the government’s response to the Forum’s final report are the creation of a single helpline number for employment rights queries, a three year campaign to raise awareness of employment rights and encourage reporting and “as soon as legislative time permits” the reduction of information-sharing barriers between some of the enforcement bodies (BERR 2008).
enforcement operations against undocumented migrant workers, workplace regulation in general has not received the same attention (Scott 2007; Rijpma 2008).

**Explanation for different degrees of reform in Ireland and the UK:**

Why did the “migrant worker factor” result in a more significant reinforcement of the state ESC system in Ireland than in Britain? While this difference can be accounted for by the stronger policy influence of the trade unions in Ireland (see above), other factors could lead to the expectation that the UK would be more pro-active in reinforcing the ESC system. First, the Irish state is more dependent on attracting and retaining FDI than the UK; while foreign companies are not alone in generally opposing any new incursions into business autonomy, they are inherently mobile and less tied to a particular national territory than domestic business (Daly 2005). Second, the Labour government, to the dismay of employers (Sheehy 2006; Wynn-Evans 2007), has steadily increased labour market regulation since 1997, in some cases prior to the adoption of similar reforms in Ireland or establishing rights which do not exist in Ireland.47

I posit that the more substantial reform of ESC in Ireland can be accounted for by different types of reform stimuli involving migrant workers in the two states, flanked by mediating institutional, organisational and ideational variables.

1. The “migrant worker factor” and trade union discourse:

The main stimuli for reform of the Irish ESC system were the GAMA and Irish Ferries scandals, while the Morecambe Bay tragedy was the main catalyst for reform of the British system. In fact, the latter has been the only case of exploitation involving migrant workers, which has aroused significant indignation in the UK (Lillie and Greer 2007; Mulvey 2006). Apart from the tragic aspect of Morecambe Bay, these catalysts differ in three main ways; the legal status of the migrant workers, the involvement of the state and the impact on domestic workers.

46 Foreign affiliates accounted for 49% of manufacturing employment and 22% services employment in Ireland in 2002 (Barry 2006) compared to less than 20% of manufacturing employment and about 6% of services employment in the UK in 2001 (Criscuolo 2005).

47 For example, the UK introduced a statutory minimum wage in 1999, a year before the Irish government (Erne 2006) and a statutory union recognition system was introduced in the UK in 1999 (Waring et al. 2008). Throughout the 1990s, there has been a growing tendency towards the establishment of non-union organisations in Ireland (particularly among multinational companies). The Irish Business and Employers’ Confederation (IBEC) refused to support a legally binding
First, while the Irish cases involved legal migrant workers, the Morecambe Bay cockle pickers were undocumented. This explains why this case appears to have been more successful in highlighting the need to increase channels for legal immigration and enforce laws against illegal immigration than reinforcing the ESC system (Scott 2007). Second, the involvement of the Irish state and the state-owned electricity company, ESB, as employers of GAMA and Laing O’Rourke is significant as the state was seen to have awarded tenders to companies, which were involved in the exploitation of migrant workers. This was particularly awkward as a general election would shortly take place (Erne 2006). Finally, the Irish Ferries case, which involved the replacement of Irish workers with workers from Eastern Europe, allowed the trade union movement to produce discourse which framed the problem as a problem for all workers – “Equal Rights for All Workers” - requiring a general strengthening of the ESC system, among other reforms (Begg 2007).

2. Institutional and organisational factors:

The Social Partnership institution in Ireland is significant, as it provides the trade union movement with a place at the bargaining table, as well as the visibility and legitimacy necessary in order to mobilise public support for various issues. In fact, the trade union movement is most successful at the bargaining table when public opinion is behind its requests. The success of the trade unions in mobilising 160,000 people to march for “Equal Rights for All Workers” on the 9th of December 2005 - the most significant Irish trade union mobilisation in over a quarter of a century - is, to a some extent, a reflection of the authority of the trade union movement.

Finally, while the Irish trade union movement used these scandals to push for a reform of the ESC system in general, the British movement has focused its demands on illegal employment deterrence through immigration policy, reinforcing compliance within the agency sector and increasing powers for the Trade Unions (TUC 2005). The approach of the British movement is undoubtedly shaped by the specificity of the Morecambe Bay mechanism for union recognition disputes and as a result it was agreed that voluntary negotiations taken in conjunction with the Labour Relations Commission would be concluded in non-binding recommendations (Taylor 2005). The general election took place in May 2007. As a SIPTU representative asserts; “the government was embarrassed and cajoled to the table, while they are deeply aware of and committed to attracting FDI and they face a huge lobby from the employer side against trade union organisation and labour standards, the people and the TU movement just embarrassed them into doing something” (interview SIPTU).

This is exemplified by the establishment of a minimum wage in 2000, which is generally maintained to be the result of successful politicisation of the low pay issue by the trade unions and NGOs leading to a nationwide consensus in favour of establishing a minimum wage in order to advance social cohesion (Erne 2006).
tragedy (see above), as well as “political opportunity structures”,\textsuperscript{50} there are less obstacles to strengthening enforcement of immigration laws than employment laws in the UK (interview HO).\textsuperscript{51}

Conclusion

The “migrant worker factor” is a powerful stimulus for labour market policy reform; however it has not been conceptualised as such in the literature. The impact of this factor on labour market policy goes beyond the question of employment standard protection within an integrating Europe; it often involves non-EU migrant workers and can affect other areas of labour market policy such as vocational education and training.

In brief, a reduction in the availability of migrant workers and unease regarding the size of migrant worker inflows can lead to a shift in labour market policy. Furthermore labour market policy reform can be the result of concerns about the impact of immigration on employment standards or domestic worker employment.

I have endeavoured to show the significance of this factor in catalysing reform in two areas of labour market policy, VET and ESC, in two Liberal Western European states, Ireland and the UK. I find that, over recent years, the “migrant worker factor” has been one of the main catalysts for reform of these systems and that the reforms stimulated by this factor have involved a larger role for the state in the labour market.

\textsuperscript{50} The concept of political opportunity structures (POS) has been developed within theories of social movements and maintains that institutional configurations shape mobilisation and political claims making (Koopmans 2004).

\textsuperscript{51} Furthermore, the TUC has not lobbied for a new unitary employment standards inspectorate due to concerns about reduction in personnel which might follow such a reform (interview TUC).
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