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“Migrant labour regimes and the Regulation of Temporary Labour Migration in Europe: an Introduction”

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The labour market presence of temporary migrant workers in EU member states, coming both from other EU member states and outside its borders has increased dramatically since 2020 (Eurostat). Migrant workers have begun to appear in locations and in jobs where they haven't been seen before, mainly in poorly remunerated and precarious jobs. The magnitude of the change is partly obscured by the invisibility of this workforce. Part of the attraction of this workforce for employers is its frequently circular, short-term and precarious nature, which also limits its visibility to mainstream society in host countries. It often occurs outside 'normal' labour migration pathways, 'normal' in this context meaning the regular organized visa and migrant integration systems that regulate migration. This does not necessarily mean the migrants are undocumented: there are a variety of legal frameworks that regulate third country labour migration, and inter-EU migration is of course regulated under EU free movement principles. However, this migration is shaped by employers and other fragmented constellations of actors, rather than host country regulation *per se*, creating pressure on national labour market norms and industrial relations systems, sometimes challenging them directly but more often undermining them by circumventing them. Temporary migrants are often vulnerable to exploitation, due to the nature of their work contracts, precarious residence status, poor access to social protection, and weak links to host country trade unions and civil society. The systems by which they are recruited and their labour process is managed tend to reproduce these sources of vulnerability, rather than alleviate them.

As a result of the way this migration occurs, segments of the labour market in the EU operate partly or entirely outside of and at tension with national industrial relations systems, creating and managing new labour processes and systems of control. However, as Martinez Lucio and MacKenzie (2004) observe, labour processes require regulation of some sort; changes tend to move the locus and/or form of regulation, rather than remove it entirely. We propose that the concept of “migrant labour regimes” (MLRs), captures this new locus and form of regulation. MLRs involve complex networks of actors, institutions, norms and expectations, that facilitate migration, and regulate the labour processes in their workplaces, and their interactions with local labour markets. MLRs grow up and are built over time, as actors accommodate themselves to migrant employment. MLRs interact with, and function tension with national industrial relations (IR) systems (Marino and Keizer, 2023), though they may also circumvent and evade national IR systems. They are therefore contingent and thus also unique - depending on the content and enforcement of the norms and laws that are used, abused, exploited or avoided (Arnholtz and Lillie (2003).

In this respect, they are also shaped by the role and strength of labour market institutions, including unions and employer associations, as well as by the demands of the labour market. Employers are the dominant actors, as the MLRs' *raison d'être* is to enable them to find suitable workers. Therefore, they are shaped by employers' demand for a supply of suitable workers, and employer requirements for control of the labour process in specific production activities. As the other primary party to the employment relationship, the behavior and preferences of migrant workers are an important influence: this could in theory mean MLRs are shaped by industrial democracy and worker control, but the way MLRs are

constructed hand the power to capital, nor labour. As a result, worker agency tends to take the form of adaptation (reworking), and resilience rather than resistance, and the outcomes reflect and reinforce class fragmentation and labour weakness. Various other actors such as government agencies, trade unions and others interact with institutions, legal forms, and norms regulating and shaping the migration flow in situationally dependent ways.

The availability of migrants for select, low paid, low prestige jobs also facilitates specific business models and makes modes of production possible which would otherwise not be viable (Bonacich and Appelbaum 2000). In this way, sectors begin to depend on cheap, exploitable, and possibly illegal forms of employment and migrant flows, which can result in an interdependence between enforcement neglect, employer interests, and migrant acquiescence - the system may be corrupt and repressive, but no one wants to end it, since enforcement agencies fear backlash from employers, employers become dependent on the workers being allowed to come, and being illegal 'enough' that they remain quiet about their low wages and poor conditions, for fear of attracting attention from the authorities. Unions usually oppose such arrangements, but in the isolated spaces of exception where precarious migrants tend to work, they are powerless to stop them.

Migration Regimes and Migrant Labour Regimes

MLR, as we propose to use it, combines insights developed in two mostly separated strands of literature concerning 'migration regimes' and 'labour regimes', and enriches it with the industrial relation perspective. Before advancing our understanding of MLR, we discuss the important insights from migration and labour regimes.

The concept of *migration regime* arises from migration studies, and draws attention to the way formal and informal rules, transnational actors and relationships evolve together to form migration paths, interdependencies, institutions and practices of mobility management, but it also draws on critical concepts of economic (labour) geography, such as migration infrastructure, racialisation and ethnic hierarchization (e.g. Strauss 2019, Axelsson 2022, Leschke and Arnholtz 2023). Key questions addressed in migration regime discussions include who migrates, where do they go, how is migration enabled and regulated, and which actors and institutions engage with it. There is thus a strong cross-border migration (mobility) focus. Migration regimes allow for exploring a variety of explanatory variables, including admissions and settlement policies, as well as transnational entrepreneurial and family networks, for example. Their defining characteristic is that there is a constellation of actors enabling or regulating migration, which is linked by an interest in the migration path. The concept is deliberately flexibly defined, in terms of which kind of actors these are, which fits the dynamic nature of the subject matter (Bernt 2019). While focussing on migration process and management, compared to industrial relations, migration studies deals only sporadically with the world of work (McGovern 2007), despite the fact that most migrants end up joining the labour market sooner or later. For almost all people, their status, resources, and identity is defined all or in part by the work they do, and this is as true for migrants as anyone. Migration regimes are usually based around work migration, but sometimes follow other patterns as well.

MLR s and Labour Markets

While many individual migrants find their own way in the labour markets of foreign countries, others do so through an enabling infrastructure. Reasons for this include the availability of information about employers, jobs, and visa requirements, personal contacts and family members in the destination country, and access to assistance and finance in moving. Also, labour markets in destination countries have often 'made space' for specific migrant groups - the corollary for segmented labour markets restricting migrants to certain jobs "locals don't want" is also that such jobs are kept available for migrants. These more or less institutionalised channels form part of the MLR, nudging (or forcing) migrants into certain jobs and industries and away from others, either explicitly or implicitly. Sections of the labour market become ethnicized, which facilitates migrants finding work there, while also potentially allowing conditions in that segment to worsen, further driving native workers away, in a feedback loop. This drives a demand for specific nationalities and ethnicities and gender in these jobs because of the perception that only specific (foreign) ethnicities are able to fill them, building pressure to ensure that borders become porous for those workers (MacKenzie and Ford, 2009; McCollum and Findley, 2015, Marino and Keizer, 2023).

Employers often leverage migrant networks to recruit specific kinds of (migrant) workers. There are common patterns: employers' search for more vulnerable, flexible, cheaper and more exploitable workers, a force pushing for openings and loopholes in labour market regulation to employ migrant workers in an un- or less- regulated fashion (Arnholtz & Lillie, 2023). Migrant workers' often follow risky income maximising strategies (Meszmann and Fedjuk, 2025), sometimes in furtherance of family life-projects (Borello and Hau, 2025), and often in cooperation with employer efforts to undermine local labour standards (Matyska, 2019). This habituates them to short-term solutions, and dependence on their employer, which is a rational response, given their structural constraints (Lillie et al., 2025).

They navigate networks which spread information about what jobs are available, as well as set norms and expectations for employment. These norms and moral economies (Näre, 2011) serve as an alternative labour market within a migrant segment, which determines the obligations of workers and employers. Borders become boundaries that, rather than prevent from entering, allow for permeation of certain workers on certain conditions (Mezzadra and Neilson, 2013, Anderson, 2000).

Migration studies often focus on the role of migration status, i.e. work permits and visas, which form the main state tool to regulate migrants' presence in labour markets. Assignment of specific status to various kinds of migrants based on their perceived value or link to the destination country to a primary policy tool used by destination countries to influence the number of and type of migrants as well as their behaviour. Through assignment of status, states attempt to ensure that migrant behaviour complies with the goals of capital and the state (Wills 2011). Different migration statuses assign different levels of access to the labour market, social benefits, length of residence, political participation and security of the right to remain. As a consequence, the labour market behavior of migrants is very much affected by migrant status in intended and unintended ways (Ndomo, 2023). Navigating migrant status rules drives an imperative for migrants to prioritize employment, in ways defined by legal migration systems, because work becomes the justification for the right to remain in the country, and the basis for social benefit access. States commodify migrants; as Sayad put it: "migrant worker is "the only worker who, not being a citizen or a member of the social and political body (nation) in which he is living, has no further function but work" (Sayad, 2004:

202). The migrant worker's isolation from mainstream society allows the imposition of market discipline to an extent not possible with native workers, who have access to welfare state benefits, and for whom the right to remain is not a concern (Lillie and Ndomo 2023).

Migrant status is part of the legal structures which endorse mobility, or hinder it. The migrant status rules affect not only the way in which migrants and employers comply with the rules but also the means by which, on some occasions, they evade and undermine them. National labour market and industrial relations systems are often held in abeyance around migrant work places, through means both legal and illegal, raising the issue of "legal dualism" (cf. Ndomo et al., this issue), or spaces of exception (Lillie, 2010), which fragment and variegate the sovereignty of nation states (Ong, 2006).

Migration through the lens of industrial relations

The MLR concept acknowledges the diversity of national industrial relations institutions and their traditions across Europe and between industries, and draws attention to the various ways in which MLR actors adapt their strategies to national, local and sectoral contexts. Employer strategies, for example, do not necessarily, accept and uphold local labour norms - in fact, usually they do not - but rather seek to circumvent, undercut and undermine them, in order to establish a cost-based competitive advantage vis-à-vis firms that respect local employment standards (Arnholtz and Lillie 2023).

The MLR concept is sensitive to the fact that there is a diverse array of institutions governing migrant labour. These diverse institutions intervene in the MLR with a variety of goals and capabilities: employers may seek to segment the labour market to recruit migrants - or exclude them to make them unavailable to competitor firms. Unions may seek to exclude migrants and oppose their participation in specific labour market segments (or at all), or they may instead seek to organize and represent them (Marino et al. 2017). There may be state agencies concerned with integration of migrants into the workforce and society, and there may also be state agencies concerned with excluding and deporting them - these sometimes work to cross purposes. The state may develop special visa programs to meet the needs of certain employers. Migrants and migrant networks are also essential actors, using flexible employment sustained by MLRs to advance personal or family life goals, or contesting employers by exiting unfavourable employment situations or by collective action through established industrial relations mechanisms or outside it.

Migrant labour regimes have a broader macro-regulatory component aiming at labour control, which base is the "construction of migrant worker powerlessness as a means to inhibit the political contestation of labour" (Bal, 2016: 7): a key issue relevant also for institutions and actors shaping industrial relations. MLRs therefore form a field of contention between labour and capital *par excellence*, or in Bonacich's words, a field in which employers can weaponize "ethnic antagonism" to divide workers and unions, and segment labour markets (Bonacich 2014).

MLRs impinge on labour markets and industrial relations systems in sending and destination countries alike, but we will focus here on the interactions with destination country regimes, at national, sectoral and workplace level. As McGovern (2007: 218) notes "immigration brings the institutional nature of labour markets into sharp relief as it exposes, among other things,

the influence of the state, processes of labour market segmentation, and the role of trade union policy and practice”.

Migration challenges industrial relations and creates tensions when migration is regarded and governed as exceptional situations, partly outside the institutional frameworks of nationally-oriented industrial relations systems. Industrial relations systems grew up historically as nationally focused, and bounded in nature, involving numerous mutually reinforcing subsystems and “webs of rule” (Dunlop, 1958), enforcing an insular character and driving change down path-dependent channels. These historically developed together with other state traditions, tying industrial relations systems into national economies, civil society and forms of state and democracy (Crouch, 1993). Industrial relations are composed of various levels and subnational elements, but in their origin and construction arise out of unions, employers, norms, law, and state apparatus that regulate class conflict within national spaces. Transnational and supranational influences have always impinged on national IR systems, but these have tended to normalize them into the system: for example, migration of guest workers into European countries in the post-WWII growth years tended to result in permanent settlement (many returned home, but many also remained), with workers entering into unionized industrial jobs and integrating or forming ethnic communities (Castles and Kosack, 1973).

Although contemporary migration might appear similar if we were to look back from a future viewpoint, from our 2025 outlook, current migration appears as less state-controlled, more subject to legal and labour market dualism. Union capacity to control the labour market, and ensure equal pay using collective agreements has also declined in many countries. Rather than looking at migrants *within* contemporary IR systems, more often they are outside and alongside them, interacting on the secondary labour market, but largely shut out of primary labour markets. Therefore, it is necessary to problematize migrants’ relation to mainstream industrial relations institutions, examining whether unions represent them, whether they seek representation, or whether (and how) they pursue other paths to protect their security and interests.

Industrial relations frameworks address issues within the reach of their institutions, and whether or not migrants are or are not included (cf. organizing research, cf. Benvegnu et al 2018), but often the issues faced by migrants and contexts in which they work lend themselves to approaches which do not assume that unions are relevant, or are an imminent prospect. Industrial relations thus draws attention to interesting questions about the nature and meaning of representation and inclusion in the context of migration. With industrial relations systems traditions, there is a tension stemming from the ‘dual role’ of unions as “managers of discontent” (Mills [2001] 1948) while labour process traditions place omnipresent worker-capital conflict at the centre of their analysis, assuming exploitive mechanisms to ensure worker compliance - although this is not always explicit. Pluralistic politics raises the question of who is “inside” the democratic process, and who is not. Union inclusion of migrants varies in the extent to which they are incorporated into union decision making. This is similar but not identical to the question of who is worthy of solidarity - whether unions seek to recruit migrants as members, or at least to promote their interests by enforcing their labour rights and wage levels via collective agreements. Alternately, unions may ‘circle the wagons’, seeking to ensure that migrants on the secondary market serve as a “buffer” to ensure their firms’ competitiveness on global markets, thus ensuring in turn their own job security.

Migrant labour regimes can function to integrate migrant workers into primary national labour markets and industrial relations institutions (Caro et al. 2018), but more problematically and possibly more often, keep them separate in ethnically distinct segments operating alongside and separately to the mainstream labour markets regulated by national industrial relations systems. While one finds industrial relations systems seeking to include migrant workers in mainstream protected employment, more usually unions are too weak to achieve this outcome - or sometimes not interested in achieving it in the first place. For example, Danish meatpacking unions succeeded to include migrants in universalist collective bargaining at the same level as their Danish colleagues, while weaker German unions were not successful at this (Wagner and Refslund, 2016). Shared enforcement responsibilities of collective agreements between social partners and public authorities are, especially in the face of weakening union power, more capable to shield migrant workers from abuse, as Berntsen et al. (this issue) show comparing the Austrian and Dutch food sector. Employers construct migrant labour regimes in ways which allow them to impose exploitive sectoral, company based, even territorially delineated zones of exception. Thus, new spaces are created within the national IR systems, such as segregated, ethicized labour markets, on which different rules apply.

Legal dualism and exception become an important employer tool to ensure that migrants remain outside the reach of existing IR systems. Territorial boundedness has been a central organizing principle of modern states. National industrial relations systems provide state boundaries, but these boundaries have become porous. The historical boundary-making of modern-state building favoured voice over exit, resulting in a smoother development of democracy in states where borders were well established (Rokkan, 1999). This in turn resulted in pluralist industrial relations, but this is now coming under challenges, as territorial porousness in, for example, the EU is resulting in legal diversity and therefore differentiated labour standards within national territories. Wagner (2015), argues that these boundaries extend right into the national territory, in terms of the way labour standards are enforced, constituting a form of internal 'bordering'. In territorially defined bounded nation states, it was possible to lock in economic and social actors who then expressed their grievances through voice in national institutions, such as unions, but workers in segments outside the jurisdiction of those institutions do not have routine access to these institutions of voice. For example, Wagner and Lillie (2013) look at posted workers in a construction subcontracting chain in Germany; the German works council system provided representation for workers at German contractors, but for those working for foreign companies (of which there were many) the works council law did not apply. Although the workers worked in the same site, and possibly in the same jobs, an internal "border" enforced different levels of job protection and industrial democracy. Similarly, Benassi and Dorigatti (2020) show that works councils are less engaged with outsourced workers, the further away their tasks are from the 'core' tasks of the companies' production process. Exclusion from this charmed circle of protection plays a dual and contradictory role: at once migrants are unwanted outsiders, competitors to other marginalised social groups, but at the same time the precarity of their labour market status makes them attractive for some employers, as these create conditions for higher exploitation.

For trade unions, migrant labour poses several challenges, from regulating conditions to their entry into the labour market, to questions of unionisation and special services; moreover these dilemmas cannot be completely solved, as they are contingent to historical change (Roosblad et al., 2017). Unions depend on worker solidarity as their primary source

of power, and, despite many exceptions of successful union organizing (Alberti and Sacchetto, 2024), migrant workers are less likely to join unions and to become active if they do. Because unions' power resources depend on worker solidarity, to the extent migrant workers do not support unions, more migrant workers on the labour market tends to weaken unions, one way or another. This is not unique to migrants: native workers too, have become less inclined to join and participate in unions, so that the once omnipresent national industrial relations systems are no longer able to serve the same regulating function as in the past, leading to disruption in the functioning of national IR systems. Bhuller et al. (2023), convincingly argue that extent of this disruption is limited and overstated, but their analysis uses macro-data, which shows there has been a significant, but not catastrophic decline in union density and bargaining coverage. This however, underlines the uneven and partial character of the disruption, manifesting as segmentation among groups due to their degree of formal rights, as well as their social and economic inclusion. The mainstream, primary job market may not greatly be affected, except perhaps through gradual erosion at the margins, at local or sectoral level the effects may be manifest.

Advancing the migrant labour regime

Our authors use MLR either heuristically, or in a more theoretically central way, following the literature on the concept so far. Sippola and Kall (2016: 218) use MLR in the concept of an industrial relations discussion, in which the migrant labour regime is “a heuristic concept emphasizing political and relational grounds for labour migration”, basing their use of the term on Elvander's (2002) ‘labour market regimes’ which places various industrial relations system elements into the relevant political and economic context, to explain national IR and industrial relations outcomes. Bal, on the other hand sets MLR firmly in the context of the labour process, defining a ‘migrant labour regime’ as ‘a more specific mode of macro-level labour control based on the construction of migrant worker powerlessness as a means to inhibit the political contestation of labour’ (Bal, 2016: 7). His definition serves his purpose, given the overwhelming role of the state in organizing labour migration in Singapore (Bal 2016), but we see the focus on state management and repression as specific to the MLR he analyzes: in the European context, labour control is often better achieved through state withdrawal, and through legal exception, to prevent migrants from accessing rights that are in principle available to everyone).

Our contributors describe MLRs working as creating or reinforcing set of conditions favourable for capital to control the labour process: 1) Migrants' insecure labour market status due to administrative dependency – from both employers and the state – and 2) the establishment of employment forms and practices that create and maximize employer dependency - usually through promising (though not necessarily delivering) maximisation of net income earning opportunities; 3) migrants *de facto* exclusion from established IR protection and representation mechanisms. These go hand-in-hand with a deterioration of working conditions, through the combined processes of “flexibilisation” and “segmentation” (e.g. Raess and Burgoon, 2015; Ruhs and Anderson, 2010). This binds migrant workers to an employer defined moral economy (Matyska, 2019; Näre, 2011), and encourages migrants to valorize themselves through participation in market competition and self-reliance on an uneven playing field (Berntsen, 2016)

MLRs are diverse, in form, function and scope. Alberti and Sacchetto (2024) observe that the detailed mechanisms of MLR functioning differ from case to case and context to context; a mechanism of control in one context might have a very different, and even opposite, effect in another. For example, capital might seek to reduce worker turnover as a way to exert control over workers in one environment, but in another increased worker turnover might prevent workers from acquiring social rights over time.

The dynamism of capital strategies around MLRs confounds regulatory enforcement; capital constantly renews and reinvents migration flows and migrant labour regimes to keep ahead of state and union efforts to control labour markets and regulate standards (Lillie et al., 2025). Sectoral characteristics and the nature of product markets (Anner et al., 2003), as well as state policies and cultural legacies, shape employment regimes (cf. Simonazzi, 2009; Van Hooren, 2012; Näre 2011 for care sector examples). Dynamics underneath the development of care regimes are for instance driven by political cutbacks on public care provisions and shifts towards privatized care and increasing demands for migrant labour (Van Hooren, 2020). In this sense, state behavior and priorities create demand for specific forms of labour, or the availability of labour enable certain kinds of solutions to public policy problems, creating and sustaining particular MLRs - low wage care workers, for example, allow governments to consider elder long-term care solutions which depend on these workers being available (Ndomo et al. this issue).

Migration features as an important element in the construction of labour markets. It facilitates a perspective that brings in critical questions of labour supply and introduction of more intensive labour processes – for example, with desired skills, or vulnerabilities to exploitation. It permits labour market segmentation, allowing employers to isolate ethnic groups from the regulatory environment, and to pit segments of the working class against one another (Bonacich 2014). Less regulated, large-scale access to migrant labour opens doors to new employment and labour-use practices and business models. This can further encourage migrant recruitment, particular forms and paths of mobility, targeting particular nationalities, age, gender, or demographic groups). Such labour market dualization or fragmentation holds out a prospect for exploiting migrants as a precarious ‘buffer’ serving the interests of capital and the labour aristocracy alike (Meardi et al., 2012). On the other hand, it serves to regulate and discipline the organized working class through the threat of erosion, replacement and the generation of ‘ethnic antagonism’ (Bonacich, 2014). This is not just about migration, but is rather a migration-led process which puts enormous pressure on existing industrial relations to adapt or be disrupted.

The perspective that migrants labour market behavior is shaped by the tensions migrants themselves feel, being pulled between the requirements and expectations of their home and host country labour markets, derives from Piore's (1979), but has developed into a strand of research accessing insights from both industrial relations and migration studies. The key insight here is that migrants' labour market behaviour, as well as the actors and power relations which shape it are inherently transnational. Nationally bounded research is limited by this fact, and if we wish to understand the function of this labour market, we need to understand the transnational environment in which some actors operate - these can drive institutional change processes (see e.g. Rubery et al. 2009; Hahamatovitch, 2005). As Breznik et al. (this issue) show, increasingly transnationalising and commodifying higher education becomes an important avenue for labour migration in the global semi-periphery, exemplified in the case of Slovenia, in attracting real or fake student workers from Asia. Yet, also peripheral states, as the case of Bosnia-Herzegovina shows, “produce” skilled labour

for low “prices” for the global market. The transnational and intersectional perspective allows us also to focus on regulation which enables and creates conditions for constructing MLRs (Arnholtz & Leschke, 2023; MacKenzie and Martinez Lucio, 2019; Marino and Keizer, 2023). MacKenzie and Martinez Lucio (2019) highlight how increased focus on labour market regulation is interrelated with the rising role of migration, to be analysed in an interdisciplinary manner, through industrial relations and migration studies. Moreover, they suggest an actor-centered approach to the study of regulatory spaces of international migration. Immigration rules, labour market segmentation, and production systems often develop hand in hand (Martin and Prokkola, 2017), as we can see for example in Finland’s student visa system that provides cheap labour in poorly regulated sectors (Ndomo, 2023). Administrative thresholds may create and enforce specific migration channels, including political pressure to develop appropriate work visas for particular populations and regions. Bal (2016), in his study of Bangladeshi construction migrant workers in Singapore, embeds his discussion of migrant labour regimes in a discussion of the labour process. He defines MLRs narrowly as “a set of legal-political structures constructed by the state which attempts to regulate the contradictions of capital by rendering migrant workers politically powerless. This is done by denying these workers citizenship rights, ensuring their deportability and occupational immobility and constructing impediments to their political mobilisation.” Bal’s observation that the MLR becomes an integral part of the labour process, and a key, often defining, element of management’s control strategy is extremely useful. For example, concentrating on the once dominant and in recent years heavily shrinking cohort of Serbian workers in the Slovak automotives, Aleksic et al. (this issue) highlight how a specific labour regime has unfolded via the paradoxical process of significant production expansion which went hand-in-hand with flexibilisation of working conditions and cost-cutting measures. In Slovenian retail, dominated by few foreign-owned retailers, the number of migrant workers more than doubled in the last decade, with migrant workers living in what unionists call ‘parallel’ worlds, working in impersonal warehouses, where local workers are few and migrants subject to extreme pressure, including internal competition (Masso et al., this issue). In the Dutch meat sector, employer cost-cutting strategies and lax regulations on temporary agency work, have led to the industry’s structural reliance on substantial precarious outsourced migrant workforce, that is out of reach of the protective realm of trade union protection (Berntsen et al., this issue). Legal and political elements interact with the strategies of private actors to evade both state labour market regulators, and unions – in this way the state is often inconsistent, working to cross purposes both to grant benefits and labour rights, while at the same time seeking to make those rights and benefits inaccessible to certain groups (see Lillie and Sippola 2025).

The role of social regulation as factor shaping migrant labour demand and conditions of migrant work needs more exploration (see Marino and Keizer, 2023 for an exception). The strength of sectoral collective bargaining, regulating quality and terms and conditions of work, may discourage (or encourage) employers’ (developing) reliance on migrant labour, as Marino and Keizer point out comparing the Dutch and UK social care sector.

The articles in this special issue reveal an increasing role of temporary migrant labour in European labour markets, including in locations and countries where the reception and sending of migrant labour in the past played a little role – such as in small Eastern European countries. The authors use the concept of MLR to identify the actors involved in creating a new space of regulation, in identifying the connections between labour markets and labour market institutions dispersed in different national spaces, and regulated by

different political, legal, social and industrial relations systems, and in creating or altering control mechanisms to take advantage of the new regulatory space outside and between national IR systems. The MLR encourages us to consider the connections between national developments; labour market developments in Estonia affect Finland, for example: as Estonian wages rise, fewer Estonians are interested in moving to Finland, and if they do they are less willing to accept poor working conditions (Sippola and Kall 2016). Similarly, a failure to better regulate certain labour market actors, such as temporary work agencies, may actively contribute to the establishment or continuation of exploitative MLRs, as the cases of Slovak automobiles (Aleksić et al., this issue) or Dutch food industry show (Berntsen et al., this issue). A segmented labour market in Austria and Austrian national care regime, for example, provides opportunities for home care workers from Slovakia to migrate in a circular pattern, causing intermediaries to proliferate, which in turn encourages a growth of home care as a solution for providing long-term care (see Ndomo et al., this issue). Understanding the employment relationship in this case requires understanding relevant social policies, labour market conditions and care facilities in Slovakia and Austria, and the structures linking them. These taken together constitute the migrant labour regime, providing interlinked mutually reinforcing institutions, actors, and norms, that structure labour migration.

The emergence of MLR are specific to flows between country-pairs, but also often have strong sector specificity. This creates specific MLRs in particular sectors, where migrant conditions, protection, and integration in industrial relations mechanisms differ, as the Austrian care and food sector explorations highlight (see Ndomo et al., this issue; Berntsen et al., this issue). While the protective and integrative capacity of industrial relations in the food sector limits employers' potential (and thus in practice employer preference) for extensive reliance on temporary migrant labour, in Austrian care, a migrant labour regime driven on circular labour mobility has developed. Masso et al. (this issue) shows that, to varying degrees, trade unions and employer organisations in Estonia, Slovakia and Slovenia are involved in the national-level regulatory processes concerning changes to the labour market access of third-country nationals. However, their influence on sectoral or company-level migrant worker employment practices is low to non-existent. While these sector- and company-based migrant labour regimes are growing in significance, trade unions in particular are caught in a vicious cycle of deregulation and re-regulation. Their analysis centers on the regulatory role of temporary contracts within a strict protectionist labour market, but they dwell on the disciplinary nature of temporary contracts too, and the shrinking capacities of authorities to implement and/or enforce standards.

Following Doellgast et al. (2018) Berntsen et al conceptualise MLR as a product of relational and institutional dynamics, an outcome of vicious rather than virtuous interaction between inclusionary or exclusionary institutions (of state regulations; bargaining coverage and coordination; or enforcement), employer recruitment, union strategies, and worker solidarity. They show that given the high reliance of employers on migrant workers in both countries, in contrast to the Netherlands, in Austria, a virtuous institutional arrangement is possible. In a case study on Serbian migrant workers in Slovak automobiles in the period of 2016-2024 Aleksić et al. adopt a more cautious, inductive approach to MLR. Relying on statistical data, they trace the emergence of a sector-specific labour regime via the simultaneous reliance on Serbian migrant labour and the continuous pressure to cut costs. While the institutional dimension features as a background motif in Aleksić et al., Breznik et al. focus on the institutional architecture enabling unintended (labour) migration in the context of global, transnational migration. Their comparative study of educational institutions in semi-peripheral Slovenia and peripheral Bosnia-Herzegovina show different unintended

labour market consequences of higher education reform and adaptations to global market needs. In Slovenia the experience of student-workers points out that enrollment in universities creates conditions for sourcing, recruitment and employment of precarious - student -labour. In the latter, aligning educational institutions to global market needs has disrupting effects on the domestic labour market as well.

Conclusion

Our use of the MLR concept arises from the observation that current flows of temporary labour migration in the EU and the EU's immediate vicinity, interact with increasingly segmented labour markets that are disconnected from national IR institutions and regulation, but nonetheless *are* regulated by new constellations of actors. Proliferation of alternative employment of temporary migrant labour creates conditions for a fundamental shift in the balance of power between labour and capital even in countries and industries where labour market regulation and relation institutions have been functioning well. Literature warns us of these alarming trends: employers try to escape or sidestep the institutions (Lillie 2010; Arnholtz and Lillie 2020) – they are moving assertively to rebalance institutions more in their favour. Besides the role of employers (Allen et al. ? McCollum and Findlay 2015), trade unions (Heinrich et al. 2020, Krings 2009) and the “state” (Axelsson et al 2022, Rasnača and Bogoeski 2023) play in setting the stage and facilitating labour migration and migrant employment in the EU, the role of new, powerful actors, especially private labour market intermediaries (Shire et al. n.d), especially temporary work agencies in facilitating migration gained in significance and scholarly attention (e.g. Forde et al. 2015, McCollum & McFindlay 2018)

This is seen, for example, in the Finnish case in the article of Ndomo et al., comparing the migrant labour regimes in care work in Austria, Finland, and Slovakia. Of course, in many cases employers' practice of side-stepping the institutions is continuing as well. In this vein, Oruc et al show not only how repurposing of student visas circumvents migration controls in Slovenia and brings workers from Bosnia Herzegovina, but also show how the proliferation of student work creates a competitive advantage for labour market outsiders in the highly regulated Slovenian sectoral labour markets.

The patterns of segmentation affect labour standards, usually negatively, and through this put pressure on national industrial relations systems. The phenomena manifests both in newer and less wealthy EU members such as Estonia, Slovakia and Slovenia, but also in wealthier and more highly regulated labour markets, such as in Austria, Finland and the Netherlands. Our contributions show how employers can tailor temporary migration and apply it in various ways at various times, to be able to use precarious employment forms to segment the labour market according to changing, more flexible production and then labour use needs of the capital (and even the state).

The MLR approach allows us to assess the challenges to the social partners, especially trade unions towards migrant workers (Connolly et al. 2019, Marino et al. 2017), while not losing sight of the fact that the challenge most often manifests in the absence of a trade union presence. Trade union actions at times critically shape migrant labour conditions, through the effective enforcing of sectoral collective bargaining and inclusionary representation and organizing strategies (Marino and Keizer, 2023; Doellgast e.a. 2018). As Berntsen et al. show, precisely the strength of sectoral and company-level bargaining explains the limited reliance on temporary migrant labour in the Austrian food sector, when compared to the Dutch food industry where a MLR of widespread temporary agency

employment has developed. In Slovak automotives, as Aleksić et al. show, trade unions found themselves in a flux of changes where intensified working conditions and high labour turnover posed new challenges to worker representation, limiting interest formation mostly to annual wage bargaining for those on the company payroll. However, often it is the absence of traditional IR institutions that create the conditions - and the maintenance of this absence is a reason for capital to support MLRs.

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