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The situation of migrant workers

The case of Germany

Content

- 1 Introduction**
- 2 Sources of information**
- 3 Migrant population**
- 4 Illegal immigration**
- 5 Migrant active population**
- 6 Working conditions of migrant workers**
- 7 Annex - Questionnaire**

1 Introduction

This report intends to investigate the employment and working conditions of migrant workers, that is of persons who migrate from one country to another for any reasons and work as employees or self-employed in the country of destination. Clearly, migrant workers include both EU citizens and non-EU citizens moving from their country of origin to one of the countries covered by this study. In other words, you should consider both migration across EU member states, Bulgaria, Romania and Norway and (im)migration from outside this area. The general objective is to compare the employment and working conditions of non-nationals and nationals. Please stick as much as possible to the definition above. However, if this definition does not reflect an interest or the debate on migrants' working conditions in your country, consider whether using a narrower (eg only non-EU citizens) or broader definition (eg also migrants who acquired your country's nationality and "second generations") would provide insights on the employment and working conditions of migrants workers or on the closely related issue of workplace discriminations based on ethnicity. In the latter case, you should report data and information on these narrower or broader groups, stating clearly the definition of migrants you are using and providing indications on how the employment and working conditions of such groups can approximate those of migrant workers as defined above.

This study aims to analyse quality of work and employment of migrants in the European Union, Bulgaria, Romania and Norway. In particular, it will cover:

- The distribution of migrant workers, by gender, across sectors and occupations, with a view to identify possible concentrations and their reasons, such as skill shortages filled by migrants (like in healthcare), or difficulties in filling positions in some jobs with lower skilled roles.
- The contractual relations of migrants
- An assessment of working conditions of migrants.
- Entry job positions, training and career opportunities.

2 Sources of information on migrant workers

Are there studies or analyses in your country which cover the employment and working conditions of migrant workers?

There are several studies available with regard to migrants. There are also quantitative data on the overall number of migrants, and their legal status in Germany etc. Nonetheless, the topics of migrants' employment and their working conditions are mostly only covered in very general terms.

The following institutions provide representative data:

1. The Federal Statistical Office (Statistisches Bundesamt Deutschland, destatis) edited the 'Data Report 2006. Facts and Figures about the Federal Republic of Germany' (Datenreport 2006. Zahlen und Fakten über die Bundesrepublik Deutschland). This publication is compiled in co-operation with the Social Science Research Centre Berlin (Wissenschaftszentrum Berlin für Sozialforschung, WZB) and the Centre for Survey Research and Methodology (Zentrum für Umfragen, Methoden und Analysen, ZUMA).

The report is published every two years and is carried out at the national level. It analyses the statistical dataset for German society, its population and the economy. By doing so, it also, therefore, briefly describes, in the relevant sub-sections, the foreign population, asylum seekers, migrants, the children of migrants ('second generation') and their living conditions in Germany; these data are compared to those for the national population as a whole. Migrants and foreigners are classified by their original nationality. The working conditions of migrants are only covered in a non-systematic way. For instance, data are available for their educational attainment levels. These latter data are drawn from the dataset of the Socio-Economic Panel (SOEP) conducted by the German Institute for Economic Research (Deutsches Institut für Wirtschaftsforschung, DIW).

2. The Federal Office for Migration and Refugees (Bundesamt für Migration und Flüchtlinge, BAMF) published the 'Migration Report 2005' (Migrationsbericht 2005) on behalf of the Federal Government. The BAMF,

furthermore, released its study 'Migration, Asylum and Integration in Figures' (Migration, Asyl und Integration in Zahlen). Both reports describe (im)migration flows and include an analysis of the most important migrant groups in Germany. The BAMF defines migrants as persons who change their place of living. International migration is defined as the change of living places over national borders. For BAMF's quantitative assessments, its publications mainly use data from destatis that are complemented by information from the Central Register of Foreigners ('Ausländerzentralregister', AZR) and the visa statistics of the Foreign Office (Auswärtige Amt, AA); these may, however, use different definitions of foreigners and migrants. Both reports are conducted on a national level.

The first report, after providing a general picture of (im)migration, distinguishes between ten different migrant groups that are described in single subsections. It then highlights the topic of illegal migration. This is followed by a comparison of migration at the European level. Finally, the picture is completed by an analysis of the overall number of foreigners living in Germany. The report presents some information on (un-)employment and working conditions within each section that describes the main migrant groups. It also provides relevant information on the legal requirements for foreigners to gain access to the German labour market in the first place. The second report is a methodical comparison to the first one; it does, however, leave more space to deal with the question of how migrants are integrated into German society. Within this chapter, there is also some information on the topic of migrants and employment.

3. Annette Sinn, Axel Kreienbrink and Hans Dietrich von Loeffelholz provide, in their study, information on third-country nationals residing illegally in Germany (Illegal aufhältige Drittstaatsangehörige in Deutschland, 2005). After describing the background to illegal immigration, the study evaluates the available statistical data on illegal immigration. This is done in order to estimate the number of illegal migrants. The authors, furthermore, illustrate government measurements that aim to control or, even, to eradicate illegal immigration. The fourth chapter describes the living conditions of illegal immigrants in Germany. Illegal immigrants are defined as foreigners who are not entitled to stay in Germany, who are

not registered with the AZR or who are not reported upon in any other official dataset. The study was conducted on behalf of the European Migration Network (EMN).

4. The Federal Employment Agency (Bundesagentur für Arbeit, BA) provides, in their report 'Labour Market 2005' (Arbeitsmarkt 2005), figures on foreigners with regard to their status of employment. It also defines migrants by their nationality, i.e. their citizenship.

5. Finally, the Institute for Employment Research (Institut für Arbeitsmarkt- und Berufsforschung, IAB) recently published a study comparing the situation of Germans and migrant apprentices and their chances to find a stable employment after finishing their training successfully. The study was carried out at the national level. Immigrants are also classified by their legal citizenship.

3 Migrant population

As outlined above the BAMF uses the statistical dataset of destatis for its own calculations and analysis. The BAMF report 'Migration, Asylum and Integration in Figures' provides statistical data concerning the total number of immigrants from 2000 to 2004. As Table 1 indicates, the absolute number of immigrants fell from 649,249 persons in 2000 to 602,182 persons in 2004. Women were steadily underrepresented within the immigrating population accounting for 42% of the immigrants in 2000 and 41.6% in 2004.

Table 1: Immigration from 2000 to 2004

The total number of immigrants has declined slowly.

	Total*	Foreigners**	Foreigners (%)	Women (%)
2000	841,158	649,249	77.2	42.0
2001	879,217	685,259	77.9	42.3
2002	842,543	658,341	78.1	42.9
2003	768,975	601,759	78.3	42.8
2004	780,175	602,182	77.2	41.6

* Germans (including ethnic German repatriates) and foreigners (including asylum seekers).

** Foreigners including asylum seekers.

Source: BAMF: 'Migration, Asylum and Integration in Figures'.

Due to the different definitions of foreigners and migrants used by destatis and BAMF, the figures in Table 1, which indicate immigration flows to Germany, do not correspond to the figures in Table 5 (section 2.1.b).

Table 2 examines the different nationalities of immigrants. In 2004, most immigrants came from Poland (18%), followed by immigrants from the Russian Federation (8%) and Turkey (5%). With regard to Polish immigrants, two thirds of them are male and mostly immigrated because they had an employing contract with a company or had been hired as seasonal workers. Fifty-three per cent of the immigrants from the Russian Federation are, on the other hand, ethnic German repatriates ('Spätaussiedler') and their family members. Turkish immigrants mostly come to Germany either as a result of family re-unions or as asylum seekers.

Table 2: Immigrants by nationality (2000 to 2004)

In 2004, 18% of immigrants to Germany were Polish.

Country of Origin	2000	2001	2002	2003	2004
Europe	566,406	583,567	567,014	520,256	530,008
Of which Germans	106,595	109,985	108,285	98,175	90,113
EU-Countries	165,203	157,709	131,004	133,167	316,596
Albania	1,323	1,446	1,498	1,515	1,268
Belgium	4,583	4,703	4,439	4,291	4,349
Bosnia-Herzegovina	10,498	12,941	10,566	8,435	8,145
Bulgaria	10,461	13,472	13,230	13,409	11,584
Denmark	3,235	3,236	2,889	2,693	2,678
Estonia	1,071	1,032	991	947	859
Finland	3,014	2,733	2,203	2,204	2,229
France	21,486	19,862	18,619	18,133	18,369
Greece	18,358	17,529	15,913	12,959	10,883
Great Britain/Northern Ireland	17,130	16,178	14,703	13,197	12,719
Ireland	2,725	2,705	2,230	1,046	1,655
Italy	35,385	31,578	26,882	23,702	21,422
Yugoslavia	33,326	28,637	25,773	21,754	20,628
Croatia	14,365	14,108	12,990	11,497	10,352
Latvia	2,199	2,322	2,195	1,966	2,419

Country of Origin	2000	2001	2002	2003	2004
Lithuania	3,384	3,764	4,135	3,457	4,964
Luxembourg	1,439	1,522	1,739	1,728	1,987
Macedonia	3,441	5,478	3,950	3,682	3,260
Moldova	2,234	2,545	2,675	1,936	1,640
Netherlands	11,007	12,495	13,976	13,015	13,026
Norway	1,352	1,388	1,534	1,439	1,375
Austria	15,964	15,820	14,401	13,456	13,466
Poland	94,105	100,522	100,968	104,924	139,283
Of which Germans	19,961	20,872	19,502	16,904	14,654
Portugal	12,086	10,293	8,806	7,699	6,225
Rumania	25,270	21,145	24,560	24,056	23,825
Of which Germans	1,079	817	757	600	586
Russia	72,152	78,979	77,403	67,289	58,594
Of which Germans	40,081	42,425	41,587	36,280	30,931
Sweden	3,907	3,706	3,481	3,397	3,484
Switzerland	8,010	8,284	8,533	8,547	9,123
Slovakia	10,879	11,556	11,600	10,684	11,720
Slovenia	1,950	2,684	2,379	2,053	2,411
Spain	14,884	15,349	15,426	14,647	14,406
Czech Republic	12,252	12,206	11,150	9,258	9,711
Turkey	50,499	56,101	58,648	49,699	42,222
Ukraine	21,193	23,877	24,047	20,318	17,173
Hungary	16,872	18,187	17,211	14,965	17,990
Republic of Belarus	3,466	4,272	4,369	4,387	3,696
Africa	35,029	38,936	39,156	35,951	32,310
Egypt	2,108	2,308	2,211	1,890	1,793
Algeria	2,670	3,121	2,990	2,440	2,084
Morocco	5,545	6,095	6,407	6,021	4,547
Tunisia	2,663	2,817	2,685	2,579	2,767
America	54,839	55,875	54,663	51,546	49,825
Brazil	6,122	6,472	6,072	6,167	6,440
USA	28,729	28,949	27,956	25,895	25,726
Asia	165,110	181,714	162,591	134,217	112,919
Afghanistan	6,123	6,026	3,565	2,229	1,980
China	15,592	20,752	19,120	16,699	13,778

Country of Origin	2000	2001	2002	2003	2004
India	6,718	9,252	9,413	9,191	9,030
Iraq	12,306	18,191	12,511	5,980	3,001
Iran	7,629	6,684	6,089	4,899	4,138
Israel	1,560	1,959	2,236	2,111	1,734
Japan	5,915	6,433	6,159	6,207	5,945
Kazakhstan	54,906	53,149	45,865	32,821	24,698
Of which Germans	42,657	41,212	33,964	23,557	17,750
Lebanon	3,414	3,076	3,331	3,409	3,013
Pakistan	3,703	3,583	3,200	3,444	3,576
Thailand	6,405	7,393	7,547	6,733	6,188
Vietnam	5,830	7,917	6,890	6,622	5,852
Australia and Oceania	3,603	4,269	4,208	3,846	4,060
unknown	5,408	4,300	3,666		
Total	841,158	879,217	842,543	768,975	780,175
Of which Germans (Total)	191,909	193,958	184,202	167,216	177,993

Source: BAMF: 'Migration Report 2005'.

With regard to the age of immigrants, Table 3 indicates that they are mostly younger than the total population. Most immigrants fall into the '18 to 40 years old' age category. In 2004, 75.4% of all immigrants had not reached 40 years of age (total population: 46.8%).

Table 3: Age structure of immigrants

In 2004, 75.4% of all immigrants were below the age of 40.

	Below 18 years	18 to 25 years	25 to 40 years	40 to 65 years	65 or older	Total
2000	132,060	200,550	316,640	169,656	22,252	841,158
2001	135,459	216,331	332,626	172,827	21,974	879,217
2002	123,743	209,000	319,601	168,157	22,042	842,543
2003	104,400	190,257	296,038	157,930	20,350	768,975
2004	95,612	184,049	308,275	172,738	19,501	780,175

Source: BAMF: 'Migration Report 2005'.

The Data Report 2006, which is referred to above, provides some information on the educational attainment levels of immigrants. It concludes that differences between groups of immigrants still exist. Immigrants from Turkey include a relatively high proportion of persons who did not graduate from school. As Table 4 shows, 28% of ethnic German repatriates and 58% of Turkish immigrants do not hold a vocational degree. On the other hand, immigrants from the former Yugoslavian state and ethnic German repatriates are more likely to have an academic degree, even compared to indigenous Germans.

Generally speaking, the second generation is better qualified than their parents. Despite this, two immigrant groups still show a high percentage of women who have not obtained a vocational degree. The groups are from Turkey (75% of female immigrants from there did not, in 2004, have a vocational degree) and south-western Europe (68%).

Table 4: Educational level of immigrants and Germans in Western Germany

Immigrants from Turkey and south-western Europe are less trained.

	Germans		Immigrants from...						Ethnic German Repatriates	
			Turkey		South-western Europe		Former Yugoslavia			
	1996	2004	1996	2004	1996	2004	1996	2004	1996	2004
	%									
Good command of the German language	-	-	55	54	57	64	61	67	69	80
Good command of written German	-	-	41	43	36	44	35	50	55	69
<i>Education</i>										
No educational degree	3	2	28	21	28	16	23	17	7	7
Of which women	3	1	34	27	31	17	29	24	7	8
Second generation	-	-	21	3	9	8	13	2	19	1
Secondary school ('Hauptschule')	52	44	44	49	50	59	54	48	47	47
Of which women	53	44	43	44	45	52	46	43	45	44
Second generation	-	-	43	54	60	51	44	38	35	32
Secondary modern	25	27	24	20	14	14	18	29	31	35

	Immigrants from...									
school ('Realschule')										
Of which women	28	31	20	18	16	19	19	27	35	37
Second generation	-	-	27	24	16	23	27	45	34	41
A-level (qualification for university entrance)	21	27	4	10	8	10	5	6	14	12
Of which women	16	24	3	11	7	12	7	6	13	11
Second generation	-	-	8	19	15	18	16	16	12	27
<i>Vocational and academic education</i>										
No degree	24	20	67	58	64	56	52	40	34	28
Of which women	32	25	74	75	66	68	63	45	39	31
Second generation	-	-	57	47	48	34	43	28	52	36
<i>Vocational education</i>	64	63	29	33	30	34	41	44	49	46
Of which women	59	62	23	19	28	22	32	42	46	40
Second generation	-	-	41	50	47	57	51	62	45	53
<i>Academic degree</i>	13	17	4	9	6	10	7	17	18	26
Of which women	9	13	2	6	6	10	6	13	15	29
Second generation	-	-	3	3	5	9	6	11	3	10

Source: destatis, WZB, ZUMA: 'Data Report 2006'.

As a percentage of total population (by gender, age, nationality, education level).

The only representative source of data that compares the immigrant and indigenous populations in Germany is destatis. Consequently, it is cited by BAMF in its 'Migration Report 2005'. Since these data should be available from Eurostat, the number of foreigners as a percentage of the total population is presented briefly as a reference point. Figures, in percent, regarding immigrants' educational attainment levels and gender compared to the same categories for Germans are displayed in Table 1 and Table 4 (section 2.1.a).

With regard to the percentage of foreigners living in Germany, one must consider that destatis defines foreigners by their legal status; that is, by their nationality or citizenship. Therefore, the given percentage of foreigners residing in Germany includes persons who actually immigrated

to Germany as well as their children who may have been born in Germany (second generation). Such persons are classified as foreigners if they do not hold German citizenship. As Table 5 indicates, the percentage of foreigners living in Germany remained stable at 8.9% of the total population between 2000 and 2003. The percentage of foreigners dropped to 8.1% in 2004 due to a revision of AZR; therefore, comparability of the data to those from previous years cannot be ensured.

Table 5: Foreign population from 2000 to 2004
 Percentage of foreign population stagnated at 8.9%.

Year	Total Population	Foreign Population*	%
2000	82,259,500	7,296,817	8.9
2001	82,440,400	7,318,628	8.9
2002	82,536,700	7,335,592	8.9
2003	82,531,700	7,334,765	8.9
2004	82,501,000	6,717,115	8.1

* Valuation date: 31.12. (AZR).
 Source: BAMF 'Migration Report 2005'.

3 Illegal immigration

In the above mentioned study, Annette Sinn, Axel Kreienbrink and Hans Dietrich von Loeffelholz provide information on third-country nationals residing illegally in Germany. They estimate a lower limit of 100,000 migrants residing illegally in Germany. With regard to the upper level, the study only refers to other authors' estimations of around one million illegal immigrants.

The study specifies that illegal immigrants mostly have an east European nationality (though this is less pronounced since the EU enlargement of 2004), that they came from states with which Germany was already connected by migrant flows (Turkey, the former Yugoslavia, the Russian Federation, Ukraine, and Vietnam) or that they belonged to politically and economically unstable states (such as, China, Iraq, and Afghanistan).

The study about third-country nationals illegally residing in Germany indicates that illegal employment of migrants affects all sectors of the German economy. Apart from that, there are no representative data available.

There are no representative data available as far as the distribution by occupations is concerned.

Estimations are based on statistics from the Federal Police (Bundespolizei); these statistics are, in turn, based upon the number of detected illegal entry attempts at Germany’s borders. Further information on illegal immigration is available from the dataset of the Federal Police that covers human trafficking and its organisation. The BAMF, moreover, publishes statistics on asylum seekers. These statistics do not include information on the status of the asylum seeker before asylum was sought. The authors assume that asylum seekers have mainly entered Germany illegally before seeking asylum due to the strict immigration laws. As a third indicator, the study uses the criminal statistics from Germany’s Federal Criminal Police Office (Bundeskriminalamt, BKA) which includes a section on ‘non-German alleged criminals’. The BA publishes its data on illegal employment. In 2001, the task of uncovering illegal employment was moved to the jurisdiction of the customs authority. However, since all these statistics only reflect certain indications, the authors finally conclude that the statistical dataset is not sufficient to provide concise information on the number of illegal migrants and, therefore, only refer to the estimation of other studies.

4 Migrant active population

The total number of immigrants who were economically active decreased from 2,008,062 persons in June 2001 to 1,755,390 persons in June 2005 as indicated in Table 6.

Table 6: Migrant active population 2001 to 2005
 Number of foreign workforce paying social contributions decreased.

	Employees paying social contributions	
	Germans	Foreigners

	Employees paying social contributions					
	Men	Women	Total	Men	Women	Total
June 2001	14,150,941	11,658,111	25,809,052	1,293,646	714,416	2,008,062
June 2002	13,928,055	11,683,139	25,611,194	1,251,427	708,526	1,959,953
June 2003	13,586,306	11,494,441	25,080,747	1,187,070	686,869	1,873,939
June 2004	13,399,281	11,319,311	24,718,592	1,141,570	663,820	1,805,390
June 2005	13,178,624	11,244,252	24,422,876	1,107,634	647,756	1,755,390

Source: BA: 'Labour Market 2005'.

There are data available for the unemployment rate of foreigners as shown in Table 7. In 2005, 56.1% of male immigrants were unemployed compared to 51.8% of the male Germans. Female immigrants on the other hand were less often unemployed in 2005 (43.9%) compared to 48.2% of the German women.

Table 7: Unemployment figures 2003 to 2005

Immigrants are more likely to be unemployed than Germans.

	Ethnic German repatriates			Foreigners			Germans (without ethnic German repatriates)		
	2003	2004	2005	2003	2004	2005	2003	2004	2005
Total of unemployed persons*	48,362	45,932	48,103	469,590	475,090	593,479	3,083,298	3,121,501	3,336,994
Of which men (%)	48.8	48.7	46.9	62.9	62.1	56.1	53.6	53.6	51.8
Of which women (%)	51.2	51.3	53.1	37.1	37.9	43.9	46.4	46.4	48.2
<i>Vocational training</i>									
No vocational degree (%)	58.8	60.9	62.2	72.6	73.0	76.0	28.8	28.6	33.5
Accomplished	41.2	39.1	37.8	27.4	27.0	24.0	71.2	71.4	66.5

	Ethnic German repatriates			Foreigners			Germans (without ethnic German repatriates)		
vocational degree (%)									
<i>Age</i>									
Below 20 years (%)	2.3	1.7	1.7	1.5	1.4	2.2	2.3	2.2	3.1
20 to 25 years (%)	8.4	7.7	7.0	8.5	7.9	7.4	10.2	10.5	10.7
25 to 30 years (%)	12.4	12.1	13.0	14.2	13.6	13.8	9.5	9.8	10.6
30 to 35 years (%)	10.4	11.0	11.8	16.8	16.7	16.9	11.0	10.2	9.9
35 to 40 years (%)	10.6	9.8	10.1	15.3	15.6	15.6	14.1	13.5	12.7
40 to 45 years (%)	15.3	14.3	12.6	12.3	13.2	13.1	14.6	14.7	14.0
45 to 50 years (%)	15.8	16.1	15.1	10.2	10.6	10.3	13.3	13.7	13.3
50 to 55 years (%)	15.8	16.6	16.4	10.3	10.3	9.4	13.5	14.1	13.4
55 to 60 years (%)	6.5	9.2	10.7	9.3	9.5	9.4	9.5	9.9	10.8
60 to 65 years (%)	2.4	1.6	1.6	1.7	1.3	1.9	2.0	1.4	1.5

* Equivalent to 100%.

Source: BA: 'Labour Market 2005'.

Do the above-mentioned indicators vary significantly according with the nationality of migrant workers (for instance, a certain nationality is significantly more or less represented in active population or unemployment? If such variations exist, which are the reasons put forward to explain them?

The Data Report 2006 shows that more than 60% of Germans, more than 60% of immigrants from south-western Europe and nearly 60% of the immigrants from former Yugoslavia have a full-time or part-time job; this compares to only approximately 45% of Turkish immigrants. As shown in Table 8, especially Turkish women are unemployed and have no vocational degree to rely on.

The Data Report 2006 indicates that most immigrants work in the industrial sector as unqualified workers or semi-skilled workers as shown in Table 8.

Table 8: Employment structure of Germans and immigrants in Western Germany

Immigrants from Turkey and south-western Europe are usually employed as unskilled or semi-skilled workers.

Source: destatis, WZB, ZUMA: 'Data Report 2006'.

The Data Report 2006 mentions the fact that a large number of immigrants entered Germany in the 1960s (so-called guest workers). At that time, Germany was looking to increase the size of its workforce, especially in the industrial sector. Since the importance of the industrial sector has decreased and because guest workers often had no educational or vocational degree to fall back on, they mostly stayed on in low-skilled jobs; others, became unemployed.

The Federal Ministry of the Interior (Bundesministerium des Inneren, BMI) points out that seasonal workers (guest workers) from Central and

Eastern Europe are mostly employed in agriculture, forestry and the hotel and restaurant industries. According to the BMI, in 2003, 318,549 foreigners (mostly Polish citizens) were legally employed in these occupations; this compares to a figure of 307,182 in 2002.

On the other hand, the Data Report 2006 further mentions that most qualified workers or even white-collar employees with a migratory background come from south-western Europe (as shown in Table 8).

5 Working conditions of migrant workers

There is no information available on undeclared employment, on the employment status (other than that provided by destatis), the type of contract, the duration of contracts in case of temporary employment, the retention rate, the working hours (other than that provided by destatis), and the diffusion of “second jobs” and the professional status in the further job.

The Data Report 2006 shows that immigrants from former Yugoslavia and ethnic German repatriates receive the lowest wages (see Table 9). Table 9 furthermore indicates that these two groups were most likely to have low-paid jobs (former Yugoslavia: 25% and ethnic German repatriates: 29% in 2004).

Table 9: Wage level of immigrants and Germans in Western Germany
Immigrants from the former Yugoslavia and ethnic German repatriates earn less.

* Equivalent to 50% of average income.

Source: destatis, WZB, ZUMA: 'Data report 2006'.

There is no information available on the exposure to risks and accidents at work, health outcomes, work-related health problems and occupational illnesses, existence of information on risks, health and safety at the workplace in the national language of the migrants, and individual disputes at the workplace which involve migrant workers.

The above mentioned IAB study concludes that the proportion of foreign trainees fell from 12.1% in 1996 to only 7.7% in 2004. Nearly 69% of all female apprentices concentrate in only eight different occupational sectors. With regard to female Turkish immigrants this ratio even increases to nearly 81%. The study furthermore indicates that it takes longer for young Turkish immigrants to find an employment following the successful completion of their apprenticeship. However, if they succeed in finding a job, the duration of their first employment does not differ from other nationalities (within the first 15 month of employment).

There is no information available on career development, union representation and collective bargaining coverage.

6 Commentary

Generally speaking, the strict entrance regulations to the German labour market have to be taken into account when considering the employment of, and working conditions of, migrant workers. For most migrants, it is, in the first place, difficult to receive work and residency permits. In 1973, the Federal Cabinet imposed a general ban on the further recruitment of foreign workers. (Obviously, where, due to skills shortages, German companies cannot employ a citizen of an EU member state, work permits can be applied for; see below). The ban followed the economic crisis that was sparked by increases in the price of oil in 1973; the ban remains in effect to this day. Contracts for guest workers exist with different states; that is, participants of guest worker programmes may work in Germany for up to 18 months. Citizens of the new EU member states are permitted to work in certain jobs under certain circumstances. They have, furthermore, priority over citizens of non-EU countries. Highly skilled workers

are exempt from the ban and are even eligible for a permanent residency permit upon entering Germany. IT experts who hold a relevant university degree are exempt from the regulations, too. Their exemptions are based on the 'Green Card' regulations of 2000. Foreign students are entitled to remain in Germany for one year following their graduation to look for a job commensurate with their academic degree.

7 Annex - Questionnaire

Sources of information on migrant workers

Are there studies or analyses in your country which cover the employment and working conditions of migrant workers?

If so, please specify for each of these sources:

- a) The type: 1) specific chapters in general working conditions' surveys; 2) ad-hoc surveys on migrants' working conditions; 3) case studies - ie studies of specific situations, such as on certain nationalities, local areas and the like - on migrants' working conditions, 4) other relevant reports on migrants' working conditions which have been regularly or recently published.
- b) the authors of such studies or analyses (national statistical office - only if distinct from regular surveys which are included in Eurostat data sets, like Labour Force Surveys -, labour inspectorates, bodies responsible for health and safety at the workplace, social security bodies, other public bodies, employers, trade unions and NGOs, universities or research institutes);
- c) the definition of migrant worker they use. Are migrant workers who acquired citizenship or "second generations" included in such definition?;
- d) at which level these studies are carried out (national, sector, regional, other); and
- e) present briefly the methodology and structure of such studies or analyses, including the scope and focus of the questions on migrant workers.
- f) If available, please provide links to relevant websites.

Information on migrant workers

Please present the results of the above mentioned studies and analyses. The questions below provide indications on the aspects we would like

you to cover in your answers, if relevant and significant information are available. If the variables used in your sources do not match precisely the ones indicated below, use those available, providing a brief description if needed.

Questions 2.1, 2.3 and 2.4 should be answered only if sources other than those already integrated in the Eurostat data sets are available and significant (see the introductory section for the Eurostat web pages which should be consulted).

In each case, state clearly the source and, if available, provide relevant links.

Moreover, indicate whether data include illegal migration and, whenever possible, distinguish between legal and illegal migrants.

Migrant population (including recent trends in the 2000-2005 period)

- a) Total number (by gender, age, nationality, education level).
- b) As a percentage of total population (by gender, age, nationality, education level).

Illegal immigration (including recent trends in the 2000-2005 period)

1. Please provide all data/estimates available concerning:
 - a) Total number.
 - b) Nationality.
 - c) Distribution by sectors.
 - d) Distribution by occupations.
2. Please briefly illustrate the methodology used to collect/generate such data/estimates.

Migrant active population (including recent trends in the 2000-2005 period)

- a) Total number (by gender, age, nationality, education level).
- b) As a percentage of active population (by gender, age, nationality, education level).
- c) Employed (by gender, age, nationality, education level).
- d) As a percentage of total employment (by gender, age, nationality, education level).
- e) Specific rates of: participation, employment, unemployment (by gender, age, nationality, education level).

- f) Do the abovementioned indicators vary significantly according with the nationality of migrant workers (for instance, a certain nationality is significantly more or less represented in active population or unemployment? If such variations exist, which are the reasons put forward to explain them?

The distribution of migrant workers across sectors and occupations (including recent trends in the 2000-2005 period)

- g) Are migrant workers over- or under-represented in specific sectors or occupations? If so, specify which sectors and occupations. Please distinguish whenever relevant or possible between men and women.
- h) What are the possible reasons of such over- or under-representation? Are specific skill shortages filled by migrants? Are there specific policies devised to attract migrant workers in certain sectors or occupations? Please distinguish whenever relevant or possible between men and women.
- i) Does the presence in the different sectors or occupations vary significantly according with the nationality of the migrant workers (for instance, a certain nationality is significantly more or less represented in cleaning, health, or in managerial position or in elementary occupations? If such variations exist, which are the reasons put forward to explain them?

Working conditions

The contractual relations of migrants (including recent trends in the 2000-2005 period)

- a) Extent of undeclared employment (men, women). As a reference, please provide the same indicators for nationals.
- b) Employment status: self-employed with employees, self-employed without employees, employee (men, women). As a reference, please provide the same indicators for nationals.
- c) Type of contract: open-ended, fixed-term, temporary agency work (men, women). As a reference, please provide the same indicators for nationals.
- d) Duration of contracts in case of temporary employment (average) (men, women). As a reference, please provide the same indicators for nationals.

- e) Retention: employment with the same employer after 12 months (men, women). As a reference, please provide the same indicators for nationals.
- f) Working hours: full-time, part-time, (men, women). As a reference, please provide the same indicators for nationals.
- g) Diffusion of “second jobs” (men, women) and the professional status in the further job(s) (men, women).
- h) Do the abovementioned dimensions vary significantly according with the nationality of the migrant workers (for instance, a certain nationality is significantly more or less represented in undeclared, work, self-employment, temporary employment and so on? If such variations exist, which are the reasons put forward to explain them?

Working conditions of migrants (including recent trends in the 2000-2005 period)

Please distinguish per nationality whenever relevant.

- i) Wage levels, compared with national workers;
- j) The incidence of low-paid jobs (that is, according to the OECD definition, jobs which pay less than two-third of the median wage), compared with national workers.
- k) Working hours, compared with national workers:
 - average hours usually worked per week, including overtime;
 - average hours of overtime work per week;
 - diffusion of long working hours (more than 10 hours a day);
 - diffusion of work at unsocial hours (night, weekend);
 - diffusion of work on shifts;
 - for migrant workers having more than one job, average hours worked per week in such further jobs.
- l) Exposure to risks and accidents at work:
 - work accident rates for migrant workers and, as a reference, for nationals;
 - sectors and occupations where risks of accidents for migrant workers are higher;
 - working conditions (vibration, noise, high/low temperatures etc.) in the three sectors where migrant workers are mostly present in your country.

- m) Health outcomes, work-related health problems and occupational illnesses:
 - occupational illness rates for migrant workers and, as a reference, for nationals;
 - sectors and occupations where risks of work-related health problems for migrant workers are higher.
- n) Existence of information on risks, health and safety at the workplace in the national language of the migrants.
 - If such information is present:
 - i) what is the basis of this presence (law, collective bargaining, firm policy, other);
 - ii) is it present in every sector or workplace? If no, please specify in which sectors and/or workplaces it is present;
 - iii) are there any specific initiatives, including training, on health and safety at the workplace devised specifically for migrant workers? If yes, please specify the initiators and content of such initiatives and whether they are implemented using the language of the migrant workers.
- o) Individual disputes at the workplace which involve migrant workers and, as a reference, nationals.

Level of education and occupational position: over-qualification and under-qualification (including recent trends in the 2000-2005 period)
 Please distinguish per nationality whenever relevant. The present job position of migrant workers appears to be adequate to their level of education? With reference to this aspect, what is the condition of nationals?

Participation in training and possibilities for competence development (including recent trends in the 2000-2005 period)
 Please distinguish per nationality whenever relevant.

- p) What is the rate of participation to training during working time of migrant workers (average over the last 12 months) and, as a reference, of nationals?
- q) Is the access to other possibilities of competence development (such as apprenticeship) of migrant workers equivalent to that of nationals?

Career development (including recent trends in the 2000-2005 period)

Please distinguish per nationality whenever relevant.

- r) Entry occupations and the pace of career development (compared with those of nationals).
- s) Do migrant workers have access to career advancements on an equal basis with nationals?
- t) Are there data/information on discrimination in careers between migrants and nationals? If yes, please provide a brief summary of the evidence.

Union representation and collective bargaining (including recent trends in the 2000-2005 period)

Please distinguish per nationality whenever relevant.

- u) Do migrant workers concentrate in non-union workplaces or in less-than-average unionised sectors? If yes, please provide some details.
- v) Do migrant workers concentrate in workplaces or sectors where collective bargaining coverage is lower than average? If yes, please provide some details.
- w) Union membership and presence among trade union representatives of migrant workers.