

Opinion of the Economic and Social Committee on migrant workers

(84/C 343/07)

On 26 and 27 January 1983 the Economic and Social Committee, acting under the fourth paragraph of Article 20 of its Rules of Procedure, decided to draw up an opinion on migrant workers.

The Section for Social Questions, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 11 October 1984. The rapporteur was Mr Dassis.

At its 220th plenary session (meeting of 25 October 1984) the Economic and Social Committee adopted the following opinion by 56 votes to four, with 23 abstentions:

1. Introduction

In a European Community of some 272 million persons, about one worker in every 20 is a migrant worker. Most of these migrants come from third countries, although a quarter (or one worker in 80) come from Member States. Migrant workers make up about 4 % of the total workforce (6 million; if their families are included the total number of immigrants in the EEC is approximately 17 million).

Over recent years the Committee has issued several opinions on the fundamental principles of migrant policy; but, aware of the worsening of the problems now facing migrants in the midst of the current economic crisis (one result of which is the stabilization of the rate of immigration and taking into account the fact that the number of clandestine workers has increased), the Committee decided on its own initiative to draw up this opinion.

The Committee realizes that several of the points dealt with in this opinion do not fall directly within the remit of the Community institutions. However, such questions must be examined in any overall approach to the problems of migrant workers and they also have to be considered in view of the Community's duty to foster greater cooperation in this field.

The Committee notes the revival of Community interest in the situation of migrant workers (memorandum of the Italian Government, prospect of drawing up an action programme to help migrant workers, report on the implementation of the Directive on the education of the children of migrant workers, etc.). The Committee considers that this

revival of interest should unblock issues held in abeyance for too long and lead to a stricter application of existing Community rules.

Furthermore, the Committee is not unaware that the measures being taken by some Member States have the same goals as the proposals made in this opinion.

2. Current problems

Anxious to meet their labour requirements, many countries recruited immigrant workers without giving sufficient thought to the problems which could emerge later.

The consequences of the inadequacy of the various policies on migrant workers are manifest today. To mention but a few examples:

- the concentration of immigrants in certain jobs and economic sectors forsaken by nationals and often with arduous and unhealthy working conditions,
- the social and political marginalization of immigrants obliged to live in a society without really becoming part of it,
- the industrial countries, having had at their disposal a huge potential foreign workforce willing to be employed under any conditions, did not — in certain industries at least — attach the proper importance to improving working conditions and productivity, directly linked with the introduction and development of new technologies,
- there are a great many middle-aged — above all unskilled — immigrant workers who have lost their jobs and have little prospect of finding

- new ones; other workers could find themselves in the same situation,
- in most major European cities there are acute housing problems with concentrations of immigrants in certain districts which have been abandoned by the local population,
- a worsening climate of xenophobia, racism and insecurity,
- the high failure rate of second generation children in basic education,
- a growing number of illegal immigrant workers.

3. Proposal for a common policy

3.1.1. Joint action is the best way to tackle common problems. The difficulties which migrant workers face in all the Member States and the problems which they raise call for a Community response, one of the key features of which should be the series of measures proposed in this opinion.

3.1.2. Freedom of movement of EEC migrant workers

The exercise of the right of freedom of movement (and equality of treatment) in the European Community — a right embodied in the EEC Treaty — could be improved by:

- full implementation by all the Member States of EEC regulations; compliance with the decisions of the European Court of Justice,
- joint recognition of vocational and educational qualifications throughout the Community; here the Committee would point to its recent support for the proposal for a Council Decision on the comparability of vocational training qualifications between the Member States of the European Community,
- greater flexibility, to lengthen the period which unemployed EEC citizens can spend job-hunting in other Member States without losing entitlement to normal social security benefits,
- equal rights for young unemployed EEC citizens who have never had a job,

- speeding up the introduction of a Community passport and full implementation of the measures providing for a Community driving licence,
- simplifying and harmonizing administrative immigration procedures, accompanied by explanatory notes which are comprehensible to the general public.

It should be added that the ESC has already in the past stated that the Community policy of free movement can only succeed if it is accompanied by a vigorous employment policy which, with the help of the Social Fund, enables workers to gear their skills more to the requirements of the jobs market.

3.1.3. Immigration from third countries

The employment situation in the EEC Member States means that immigration from third countries is strictly limited to the families of immigrants already established in one of the Member States.

At the same time draconian measures must be taken rapidly at Community level to combat clandestine employment and the illicit traffic in immigrant labour. In this respect we would refer to a recent ESC study on ACP migrant workers and their families residing in the EEC which makes the following points:

- the draft Directive of November 1976, revised in April 1978, on the combating of illegal migration and illegal employment must be unblocked in the Council of Ministers,
- it is necessary to encourage a genuine coordination of Member States' policies on migration from third countries, the long-term objective being the conclusion of agreements at Community level. These agreements will have to cover all aspects of the entry, establishment and social security of migrant workers (except their free movement in EEC territory).

We cannot avoid mention here of the need to resolve the problems raised by the clause in the 1961 EEC-Turkey agreement which provides for the free movement of Turkish workers from December 1986. Under present circumstances the Committee does

(¹) Doc. COM: OJ No C 264, 4. 10. 1983, p. 5.
Opinion ESC: Doc. 1983 — OJ No C 35, 9. 2. 1984, p. 12.

not see how this clause could be applied since it would lead to a steep rise in the number of unemployed in the EEC and a deterioration in the conditions under which immigrant workers legally established in the EEC Member States live.

The economic disparities between nations and regions, which are the primary cause of illegal or enforced immigration, also need to be tackled with more vigour and commitment. In this connection the Committee has already stated that workers should not be forced to emigrate by economic constraints; jobs should primarily be created where labour is available. The Community should take appropriate action, through its industrial, agricultural and social policies, and through development aid, to control migration trends.

A common EEC policy on the residence status of third-country migrants is evidently needed. Such a policy should — as stressed in a previous ESC Opinion — ensure that 'all workers from third countries who have been working in the Community for a certain length of time and who want to stay here should be given the chance to remain in the host country' ⁽¹⁾. This residence right should be granted regardless of the final employment situation of the migrants concerned. Bilateral agreements between the EEC and third country governments facilitating the issue of work permits for immigrants already legally established should also be promoted with more vigour.

3.1.4. As far as special groups are concerned, greater effort should be made to monitor and resolve the particular problems of frontier workers. The Committee welcomes the decision taken by the Council on the Commission's proposal for preventing double taxation, already supported by the ESC ⁽²⁾.

The type of seasonal work carried out by immigrants is indefensible in so far as this group of workers is

often the victim of discrimination as regards social security and sometimes working conditions.

3.1.5. In so far as the Member States of the European Community grant asylum on humanitarian grounds to refugees persecuted in their homeland for their political, religious or philosophical beliefs, it is necessary to speed up the procedures for recognizing the status of political refugee; this will make it easier for these refugees to enter the labour market.

3.2. Integration of immigrants

3.2.1. The creation and development of special reception centres for immigrants and their families when they first arrive is a necessary part of fostering their integration into the society in which they live and work. The tasks of these reception centres would include:

- teaching them the common language of the country,
- informing immigrants about their rights and acquainting them with the social security and education systems, possible accommodation, etc.,
- enabling them to become involved and integrated in the social and cultural life of the host country, while giving them the opportunity to preserve their own culture,
- helping them in their dealings with the authorities.

3.2.2. The employment and working conditions of immigrant workers and their integration in firms could be improved by:

- ratification by all the Member States, and effective implementation, of the European Convention on the legal status of migrant workers and ILO Conventions 97 and 143; implementation without delay of the Community social action plan to aid migrant workers,
- better access to information through the inclusion among reception staff of persons of the same ethnic origin as the immigrants or speaking their mother tongue,
- measures against discrimination at work,

⁽¹⁾ Opinion of the ESC on social developments in the Community in 1981 (OJ No C 252, 27. 9. 1984, p. 39).

⁽²⁾ Opinion of the ESC: December 1976 (OJ No C 56, 7. 3. 1977, p. 70). Opinion of the ESC: October 1980 (OJ No C 331, 17. 12. 1980, p. 15).

- the full exercise of trade union rights, including voting rights and eligibility for the various bodies representing workers,
- better protection of frontier workers employed by temporary work agencies,
- tougher measures against the exploitation of migrant workers by clandestine employment networks.

3.2.3. Integration in the field of *housing*, in particular for migrants from third countries, should be furthered by the following measures:

- ending all discrimination as regards access to public authority housing,
- setting up a European Housing Fund (EHF) which could be run on the same lines as the ESF with the aim of subsidizing, subject to certain predetermined conditions, renovation work in areas inhabited almost exclusively by immigrants, i.e. ghettos. In tandem with this the Member States must all set up National Housing Funds for:

- (a) subsidizing improvements to individual dwellings;
- (b) granting low-interest loans for the same purpose;
- (c) carrying out, in conjunction with the local authorities, competent ministries and EHF, renovation work in areas being abandoned by nationals, at the same time ensuring that this work does not lead to the departure of the original occupants of these areas.

All of these measures apply both to migrant workers and to nationals living under the same social conditions.

3.2.4. Measures to improve the *training and education* of migrant workers should include:

- the promotion of closer vocational training and qualification standardization throughout the Community in order to reduce the mismatching of training, education and skills. In 1980 such mismatching resulted in less than 10 % of placements being secured for 25 000 jobs made available on a Community-wide basis through the SEDOC clearing system, despite the fact that 18 000 job-seekers were looking for such work,

- a special effort to adapt the labour force to the new technologies and to changes in employment in declining sectors,

- the organization of free courses in the language spoken in the immigrant's place of residence and work. These courses should be organized systematically (at the workplace, in evening classes, on television, etc.) so that all immigrants are equipped linguistically for vocational retraining, should this prove necessary. The success of such programmes also depends on the special skills of the teaching staff who, apart from professional knowledge, must be sensitive to the problems of migrant workers. Such staff could be recruited from the immigrant population, from among those whose basic training qualifies them to teach.

3.2.5. In addition to the problems facing young people in general in the Community, *young immigrants* of under 25 — representing 40 to 50 % of the total foreign population — are also engaged in a search for their cultural identity, divided as they are between the cultural world of their parents (something which the school is often unaware of or looks down on) and their present social environment. This inner conflict may not only take the form of a conflict between generations, but may also lead to personal disorientation, anxiety and social isolation.

To help second generation immigrants, and ensure equality of opportunity, the following measures should be taken as a matter of urgency:

- adoption by all Member States of the measures required to apply Directive 77/486/EEC on the education of the children of migrant workers and its extension to the children of non-EEC migrant workers,

- introduction of special pre-school instruction for young immigrants so as to help them with their subsequent education (at the moment 100 000 children of immigrants leave school each year without any paper qualifications),

- special educational programmes for immigrants, such as those already sponsored by the ESF with the help of CEDEFOP, these programmes could include reception and remedial classes,

- an end to all discrimination in official employment agencies and an increase in the number of staff in these organizations conversant with the problems of immigrants,
- more social workers in the public services with the training to provide immigrants with adequate information on social legislation and the social security system,
- the introduction of a dual system for teaching second generation children their mother tongue:
 1. integration of the teaching of the mother tongue into the normal school curriculum,
 2. organization of special courses in the mother tongue of immigrants outside the normal school curriculum.

There should be special courses in foreign languages for all pupils, taking into account, of course, the particular situation in each country.

Since a not inconsiderable number of immigrants plan ultimately to return to their own country, courses should be run not only in the mother tongue but also exclusively to teach immigrants about their country of origin. Such programmes, run systematically and in parallel, will enable the immigrant to make his choice as to whether he intends to remain permanently in the host country or not.

However, the Committee considers that the special programmes outlined above should not replace any of the courses normally followed in the host country, but be coordinated with such courses without overstraining the participants. In addition, the teachers running these courses, even when they are paid by the country of origin, should be responsible to a joint committee made up of representatives of the country of origin and the host country. This would prevent the courses given by teachers from the country of origin from clashing with the constitution and democratic institutions of the host country.

3.2.6. Special attention should be paid to the problems of *women immigrants* who have settled in the EEC either because they have followed their husbands or because they have emigrated on their own initiative.

Strenuous efforts will have to be made *inter alia*:

- in the field of education and vocational training and in implementing equal treatment in employment and at the workplace,

- to see that family planning centres provide services geared to the needs of immigrant women,
- to encourage women immigrants to participate more fully in cultural life.

3.2.7. Host countries should ensure that immigrants are able to practice and maintain the *cultural traditions* of their country of origin. Naturally this should not prejudice the efforts which must be made to familiarize immigrants with the way of life of the host country. At the same time, to facilitate mutual understanding, the host country must be made aware of the cultural traditions of its immigrants; such an exchange would enrich the cultural life of both immigrants and nationals. Among the mass media, radio and television can play an important role in this respect, providing cultural broadcasts addressed to both the immigrant and local population.

3.2.8. The Community has a vast and complex set of *social security* rules. Taking into account the various bilateral conventions concluded between the Member States and third countries, the problems facing immigrant workers from these countries are even more daunting.

As a first step Community-level initiatives should be taken to align and improve social security in the following sectors:

- payment of family allowances,
- unemployment benefits,
- regulations governing retirement and the calculation of pensions,
- aggregation of periods of insurance completed in the Member States and in the country of origin, and transfer of benefits to the latter,
- social security for the self-employed,
- opportunities for reintegration (cf. point 3.3).

As a second step, involving the bilateral conventions which the Member States conclude or revise with third countries, an effort will have to be made to introduce, at some point in the future, a Community model for bilateral social security conventions.

Finally, special efforts must be made to ensure that national and local authorities are better informed about national and Community provisions concerning social security for migrant workers.

3.2.9. Special priority must be accorded to the political and civic rights of immigrants. If immigrants do not enjoy the democratic rights of every citizen, responsible involvement and integration in the host country becomes difficult if not impossible.

For a citizen to be able to express himself freely in a society which professes to be democratic, he must not be under any threat, not even a potential threat. Greater commitment must be shown by the EEC and the individual Member States in order to avoid acts of racism and xenophobia. Such a commitment could be expressed in a radio and television information campaign and the setting up of a Community network of 'complaints offices'. Hence it is above all the right of residence of immigrants and their families legally established in a Member State which must be guaranteed.

There is a pressing need to study the following questions in order to establish, step by step, a uniform procedure for acquiring equal political and civic rights:

- after how many years' residence should immigrants be entitled to a permanent residence permit?
- after how many years' residence should immigrants be entitled to vote and hold office at regional and municipal level?
- what should be the criteria for naturalization in the host country?

Is there not a need to facilitate the naturalization of second generation immigrants? Such arrangements should not, however, be mandatory.

In view of the urgency of the problem and the possibility of Community harmonization in this field, the Committee considers, on the basis of existing legal studies and the many symposia held on this subject, that a period of five years for the acquisition of such rights could be proposed to the Member States.

A first step in this direction would be to recommend that each Member State grant the right to vote to migrants who are nationals of an EEC Member State, so that every citizen of the Community is gradually entitled to vote in national elections, starting with the right to vote in local elections.

In the specific case of the elections for the European Parliament, the Member States could agree to allow Community migrants to vote in the country in which they live.

3.3. Opportunities for reintegration

Any policy for the return and reintegration of immigrants in their country of origin must be based on the principle of free choice. Thus no pressure of any kind must be put on immigrants.

Furthermore, so that the immigrant can make such a choice, he must first have full and accurate information so as to be able to evaluate the consequences of such a decision.

A policy for the reintegration of migrant workers should comprise the following basic features:

- cooperation between the States concerned on a bilateral or multilateral basis,
- agreements with third countries on the recognition of diplomas,
- Community action, for example in the form of financial aid for training in preparation for return,
- development aid programmes comprising job-creating investment in immigrants' countries of origin,
- the provision of technical and economic assistance for groups of immigrants who want to set up firms or cooperatives in their own countries,
- the creation and implementation of vocational training programmes in the host country in keeping with the social and economic needs of immigrants' countries of origin and in collaboration with the latter,
- social security entitlements to be preserved and transferred,
- the right to return to the country of immigration during the year following the date of departure.

In conclusion, the Committee is of the view that no reintegration policy can fully succeed if the blatant inequalities between the industrialized countries and the countries of origin of immigrants are not reduced.

Within the Community itself any reintegration policy must be backed up by a coordinated regional policy, with substantially better funding, so as to establish a balance between the various regions of the Community.

Done at Brussels, 25 October 1984.

The Chairman
of the Economic and Social Committee
Gerd MUHR
