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Action programme
in favour of
migrant workers
and their families

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EUROPEAN COMMUNITIES
Commission

The action programme in favour of migrant workers and their families was submitted to the Council on 18 December 1974; having received the Opinions of the Economic and Social Committee and the European Parliament, both of which were favourable, the Council took note of the programme in its Resolution of 9 February 1976.

In the Resolution the Council stressed the need to continue and enhance the humanization of the freedom of movement for workers from the Member States and to achieve equality of treatment for migrant workers from third countries. Particular importance should be given to measures concerning vocational training, social services, medical and social care, the education of children, and information. Illegal immigration must be stopped and there should be appropriate consultation on migration policies vis-à-vis third countries.

In accordance with the Resolution, the Commission will put forward proposals on ways of implementing the programme.

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**Council Resolution
of 9 February 1976
on an action programme
for migrant workers
and members of their families**

The Council of the European Communities,

Having regard to the Treaties establishing the European Communities,

Whereas the Council resolution of 21 January 1974 concerning a social action programme¹ provides, among the measures to be adopted during a first stage covering the period from 1974 to 1976, for the establishment of an action programme for migrant workers and members of their families;

Whereas, following the Council resolution of 21 January 1974, the Commission submitted to the Council a communication on an action programme for migrant workers and their families on which the European Parliament and the Economic and Social Committee have given their opinions;

Whereas the prime objective, already stated in the Council resolution of 21 January 1974, is to enable workers who are nationals of Member States to find employment in their own region; whereas, however, pending the economic and social development of the regions from which they come it is necessary to improve the conditions of freedom of movement for such workers and for members of their families and to seek appropriate solutions with a view to eliminating progressively such unwarranted restrictions on their rights as may still exist under Community Regulations in force;

Whereas it is also necessary to strengthen the measures designed to humanize further freedom of movement for workers who are nationals of Member States, which, although it constitutes a basic right, can nevertheless involve serious difficulties when they and members of their families find themselves confronted, lacking adequate assistance, with the problems arising in the various stages of migration;

Whereas it is also necessary to improve the circumstances of workers who are nationals of third countries and members of their families who are allowed into the Member States, by aiming at equality between their living and working conditions, wages and economic rights and those of

workers who are nationals of the Member States and members of their families;

Whereas it is necessary to promote consultation on migration policies *vis à vis* third countries and to examine, where appropriate, problems facing workers who are nationals of the Member States residing in third countries;

Whereas the actions to be taken in favour of migrant workers and members of their families must accord with activities concerning consultation on the employment and social protection policies of Member States;

Whereas it is necessary to implement this resolution in accordance with the guidelines laid down in the Council resolution of 21 January 1974;

Whereas, when the actions provided for in this resolution are implemented, account should be taken of the policies and conditions peculiar to each Member State and, in particular, of the differing extent and the differing characteristics of the migratory movements and of the numbers and density of the migrant populations,

1. Takes note of the Commission communication on an action programme for migrant workers and their families,

2. Considers that in the Community's present economic and social situation action in favour of migrant workers and members of their families should concentrate on the improvement of the circumstances of migrant workers and members of their families within the Member States, and in particular on measures which will:

(a) continue and enhance the humanization of freedom of movement for workers provided for in Articles 48 to 51 of the Treaty establishing the European Economic Community by means of appropriate measures designed to promote, in accordance with the rights deriving from Community acts in force, genuine equality of treatment with national workers and taking into account all the requirements arising in the various stages of migration.

¹ OJ C 13 of 12.2.1974.

These shall include, in particular:

(i) taking whatever organizational steps are appropriate to, and strengthening cooperation between, national employment services, particularly as regards official machinery for vacancy clearance, in order to encourage as many migrant workers as possible to use these services,

(ii) offering appropriate assistance to migrant workers and members of their families to facilitate their integration in the host country, particularly by improving the social infrastructure and making more information available, and by encouraging them to take advantage of the official services available to nationals.

(iii) providing, during the stages of return to and reintegration into the country of origin, as part of the collaboration between the host country and the country of origin, appropriate assistance to those migrant workers and members of their families wishing to resettle in their country of origin;

(b) seek appropriate solutions with a view to eliminating progressively such unwarranted restrictions on the rights of workers who are nationals of other Member States and members of their families as may still exist under Community Regulations in force;

(c) encourage the achievement of equality for workers who are nationals of third countries and members of their families who are legally resident in the Member States, with regard to living and working conditions, wages and economic rights;

3. Considers that with a view to promoting the social and occupational advancement of migrant workers and members of their families, particular importance should be attached to measures concerning vocational training, housing, social services, medical and social care schemes including preventive medicine, schooling of children, information, and the creation of a better understanding among the general public of the host country of the problems of migrant workers and members of their families;

4. Expresses the wish that the work being carried out to implement point 11 to the communiqué of the Conference of Heads of Government

held in Paris on 9 and 10 December 1974, concerning the granting of special rights to citizens of the Member States, will be expedited;

5. Considers that it is important to:

(a) undertake appropriate consultation on migration policies *vis à vis* third countries,

(b) strengthen cooperation between Member States in the campaign against illegal immigration of workers who are nationals of third countries and ensure that appropriate sanctions are laid down to repress trafficking and abuses linked with illegal immigration and that the obligations of employers are fulfilled and the rights of workers relating to the work they have carried out safeguarded without prejudice to other consequences of the unlawful nature of their residence and employment;

6. Considers that the social problems arising for workers who are nationals of the Member States and resident in certain third countries and for members of their families should be examined as necessary;

7. Expresses the political resolve that the measures referred to in this Resolution be implemented, with account being taken of the competence of the Community institutions on the one hand and that of the Member States on the other;

8. Considers that future developments of this resolution should be examined in the framework of the implementation of the Council resolution of 21 January 1974.

**Action programme
in favour of migrant workers
and their families
(transmitted by the Commission to the Council
on 18 December 1974)**

Introduction

The Council Resolution of 21 January 1974¹ defined as a main objective the attainment of full and better employment in the Community, and within that context gave a special priority to the establishment during 1974 of an action programme for migrants. This decision of the Council reflected growing concern about one of the Community's most pressing social challenges—the situation of the migrant worker and his family.

Migration is, of course, no new phenomenon in Europe. But during the last fifteen years especially, there have been dramatic changes in its extent and nature. In 1959 about three-quarters of the migrant workers in the then Community of Six came from the Member States, largely Italy, and only one-quarter from Third Countries. By 1973, in the enlarged Community of the Nine, these proportions had been reversed; and, moreover, the total numbers involved had greatly increased as a result of the great economic expansion of the 1960s. In 1973 it was estimated that there were over 6 million migrant workers employed in the Community, and allowing for dependents, the *total* migrant population in the Nine countries almost certainly exceeded 10 million. While the percentage of migrants varies substantially between Member States in the Community as a whole, they account for some 4% of the total population, while in the industrialized areas the concentration is much higher.

The influx of migrant workers on this scale has had profound consequences for the economics of the Member States. First, their presence has contributed to a *faster rate of economic growth* than would otherwise have been attainable—at least without much greater rates of capital investment. Second, they have given the system a greater degree of *flexibility* than it would otherwise have had. The fact that the migrants are available in such large numbers and are usually engaged on short-term contracts—typically one year—has facilitated the adjustment of the labour force, both in individual enterprises and in the economy as a whole, to short-term changes in demand, and has, therefore, facilitated anti-cyclical policies. Third, there is evidence that the ready

availability of a relatively cheap source of unskilled manpower has *retarded the search for greater productivity* in Community industries.

Migration has also had important and adverse effects on the balance of activity between *regions* in the Community. It has contributed to the continuing concentration of resources and manpower in the Community's central, and already heavily industrialized areas, at the expense of the peripheral regions. These regions tend to lose the most dynamic elements of their population, in many cases after they have invested considerable resources in educating and training them. In this sense the poorer regions have to some extent been subsidizing the richer.

In the industrialized areas, on the other hand, the constant influx of migrants has aggravated problems of over-concentration, particularly in relation to the *overloading of the social infrastructure* and adverse environmental effects.

Thus there can be no permanent solution to the problems caused by migration within the Community without an effective *Community Regional Policy* to redress the existing imbalances and reduce the necessity for migration which at present exists.

However, the majority of today's migrants, as already indicated, come from outside the Community. It is, therefore, essential to consider also the

¹ OJ C 13 of 12.2.1974; Supplement 2/74 — Bull. EC. Extract from the Council Resolution of 21 January 1974. The Council ... expresses the political will to adopt ... the measures necessary:

to establish an action programme for migrant workers and members of their families which shall aim in particular;

- to improve the conditions of free movement within the Community of workers from Member States, including social security, and the social infrastructure of the Member States, the latter being an indispensable condition for solving the specific problems of migrant workers and members of their families, especially problems of reception, housing, social services, training and education of children;
- to humanize the free movement of Community workers and members of their families by providing effective assistance during the various phases, it being understood that the prime objective is still to enable workers to find employment in their own regions;
- to achieve equality of treatment for Community and non-Community workers and their families in respect of living and working conditions, wages and economic rights, taking into account the Community provisions in force;
- to promote consultation on immigration policies vis-à-vis third countries.

socio-economic repercussions of migration in its present form on the *third countries* most affected.

In the past it has been argued that emigration would benefit these countries by providing employment opportunities which the migrants could not find in their home countries, and that by migrating they could learn skills which on their eventual return home would be put to use in such a way as to speed economic development in their country of origin.

Today these assumptions are being questioned in many of the third countries. Most third country migrants never advance beyond the status of unskilled workers in the Community. When they do acquire skills, these do not necessarily match the needs of their home country, and the number of permanent settlers is increasing. Thus, as in the poorer regions of the Community, the third countries suffer a growing loss of manpower.

A *long-term* programme for migrants cannot, therefore, confine itself to the social problems caused by migration for the migrants themselves and the communities within which they settle. It must embrace the whole range of economic, regional, industrial and development policies which affect the phenomenon of migration. It is necessary to examine the effects of migration not only on the Community but also on the third countries concerned. Within this context it is necessary, as the programme states, to establish coordination at Community level of the national policies of Member States towards migration and migrants, as well as taking the problem of migration into account in drawing up Community policies in other areas.

Measures to correct the present imbalances which cause migration—measures which, as indicated above, must involve a whole complex of policies in many different fields—will inevitably take time to bring to fruition. And it is unrealistic to suppose that even in the long term the need for migration can be eliminated. While sometimes migration results from a free decision to seek better living conditions—Community workers have the right of free movement under the Treaty of Rome—the majority of migrations, both by Community and third country workers are forced through unemployment and economic pressures.

Thus, in addition to the global approach to the problem of migration indicated above, there is an urgent need—both now and in the foreseeable future—for specific *social and educational* measures to improve the conditions of the migrant workers and their families. These were the aspects specifically stressed by the Council in its Resolution of 21 January 1974,¹ and it is with these aspects that the present Community action programme for migrants concerns itself.

Despite the efforts of all concerned, in particular Governments and the Social Partners, the social conditions of the migrant do indeed give cause for serious concern—especially in the case of third country migrants, who have no Community protection and rely solely on often restrictive national legislation, for example, in regard to the type of job they can take, where they may live, and the right to be joined by their families.

For this reason solutions in common must be found, not only to the problems of Community migrants but also for those from third countries. These solutions must take account of the migrant workers' needs and their rightful place in a society to whose prosperity and well-being they contribute. As the migrant population increases, and they remain longer in the Community, so their interest in the affluent society around them increases and their sense of exclusion from it can become more acute.

In fact, after more than a decade of benefit from migrant labour, the Community finds itself with a large unassimilated group of foreign workers, who share almost all the obligations of the society in which they live and work but, more often than not, have a less than equal share in its benefits and rights. This situation is in the long term intolerable—degrading for the migrant and dangerous for the Community.

As regards *Community migrants*, a major step towards the abolition of discriminations based on nationality was achieved in respect of employment, remuneration and other working conditions by the adoption of Regulation 1612² in 1968. Nevertheless, experience has shown that to achieve full equality of treatment in living and

¹ OJ C 13 of 12.2.1974; Supplement 2/74 — Bull. EC.

² OJ L 257 of 19.10.1968 and L 295 of 7.12.1968.

working conditions this Regulation needs to be supplemented.

Third country migrants, whose position is regulated mostly by bilateral agreements, do not enjoy the same protection.

In the Commission's view, one of the basic objectives of an action programme for migrants must be *the progressive elimination of all discriminations against them in living and working conditions, once, in the case of third country migrants, they have been legally admitted to employment in the Community.*

Lack of basic *vocational training* is a handicap which affects a high proportion of migrants. During their stay in the host country they rarely get the opportunity to benefit from training courses improving their job prospects. The shortage of *housing* at reasonable cost has led to the concentration of migrants in ghettos with the associated risks of racial tensions and xenophobia. Third country migrants are usually not permitted to be joined by their families until they have been resident in the host country for at least one and often two years. Deportation is often at the complete discretion of the authorities.

Many categories of *social security* benefits do not apply to third country migrants. Others are subject to long qualifying periods. Family benefits are often confined to children residing in the host country, and there are severe limitations on the export of other benefits. Periods of employment and insurance in different Member States are not aggregated for the purpose of determining entitlement to benefit. At the same time third country migrants have equal liability for social security charges as compared with nationals.

Community migrants also suffer specific disadvantages in this field. They are often excluded from social benefits not directly linked with the job, for example cheaper transport for children of large families. Certain social security benefits—for example, family allowances—are not exportable.

Migration, for *children*, gives rise to the particular problems of family disruption and integration into a new language and culture. They are faced with the difficulty of assimilation to the new lan-

guage and educational system while at the same time preserving their native language and culture.

Migrant workers are particularly vulnerable to *illness and disease* following the sudden change of climate and environment. The problems are aggravated by linguistic barriers in communication with medical staff. These barriers, indeed, complicate migrants' efforts to obtain information on a whole range of essential topics on entering the new country, and point to the need for adequately equipped *reception facilities* and social workers.

The European Social Fund can now assist Member States in their integrated migration programmes for Community migrants, and with actions aimed at helping migrants from Community and third countries to adapt to their new working and living environment.

An action programme for migrants must also deal with the problem of *illegal migration* which has been growing in recent years, and is now estimated to amount to 10% of the total volume of immigration.

The foregoing are some of the main questions dealt with in the proposed action programme for migrants. Another problem which the Commission considers needs to be tackled urgently is the fact that migrant workers, even those from the Member States, have no *political rights*, with the exception of Commonwealth and Irish migrants in the United Kingdom.

This programme is being presented under conditions which are in certain respects significantly different from those obtaining during the period in which the migrant population built up to its present level. The Community now faces a period of insufficient job opportunities. This situation has been reflected in the actions taken by a number of Member States to temporarily suspend the admission of migrants from third countries.

In this situation it is necessary, not only as indicated above to move towards concertation of immigration policies, but also in the short term to try to ensure that migrants, especially those from Community countries, do not suffer unduly from the recession in jobs. Without, however, losing sight of the responsibility placed upon employers and the Member States, the most impor-

tant thing to be done in this context is to move toward a *Community employment policy*. This is the subject of Commission proposals which fall outside the content of this programme. Insofar as they are successful, the migrant will be among the first to benefit.

The implementation of the various items in the programme falls in some cases within the Commission's own field of initiative, while in others it will require decision by the Council, on the basis of proposals from the Commission.

Cooperation between the Member States, the social partners, and the Commission will be essential for the effective carrying out of the programme.

Shortly after the submission of this programme, the Commission will follow with a number of implementing proposals on which a considerable amount of preparatory work has already been done. These concern a uniform system of payment of family benefits for Community migrants;¹ the extension of the exercise of trade union rights;² and a revised proposal concerning the conflict of laws, which will apply protection to the third country migrant. The Commission has undertaken to prepare, as soon as possible, a Charter for Migrants, which has been requested by the European Parliament. Another important part of the programme to be implemented in 1975 is the putting into operation of a Community system of job information (SEDOC).³

Living and working conditions

The achievement of equality of treatment for Community and non-Community workers, as well as for members of their families, in respect of living and working conditions, wages and economic rights, is an important objective of the Council Resolution of 24 January, 1974 concerning a social action programme.¹

Although certain imperfections and gaps still remain, Community workers have, under Community legislation adopted in their favour, acquired the right to free movement and to equality of treatment in regard to access to employment, social security, living and working conditions (including housing), the exercise of trade union rights, the education of children, and the right to be accompanied by their families in the host country.

By contrast, the legal situation of migrant workers coming from third countries depends on the status accorded to them by the host country. This status is frequently subject to very restrictive legislation and depends in many cases on the existence or not of bilateral agreements with the countries of origin and varies according to the content of such agreements. The result is that migrant workers from third countries are generally treated less favourably than workers coming from the Member States, and the situation of these third country migrants varies considerably from one country to another.

Migrants originating in third countries do not have the right to freely enter the territory of the host country for the exercise of employment; they are required to possess a work permit and are subject to administrative controls. The work permit is issued in accordance with national legislation and administrative laws which determine geographic and professional limits, as well as criteria for renewal and withdrawal. Permission to stay is normally linked to possession of a work permit and may be subject to particular conditions not connected with the job, e.g. prohibition to reside in certain areas. Third country migrants are liable to deportation, too often at the discretion of the host country authorities. Certain

¹ Proposal transmitted by the Commission on 10 April 1975, OJ C 96 of 29.4.1975.

² Regulation adopted by the Council on 9 February 1976, OJ L 39 of 14.2.1976.

³ Articles 15 and 38 of the Regulation on freedom of movement for workers within the Community, OJ L 257 of 19.10.1968 and L 295 of 7.12.1968.

¹ OJ C 13 of 12.2.1974; Supplement 2/74 — Bull. EC.

Member States do not grant equality of treatment to third country migrants in the matter of trade union rights.

In the absence of specific provisions in bilateral agreements, third country migrants do not generally have the right to equality of treatment concerning social security allowances or other conditions of living and working in general.

Furthermore, migrant workers from third countries may be joined by their families only with the express permission of the host country and after a period of employment of at least one and often two years. Transfer of wages and savings to the country of origin is sometimes restricted.

To achieve equality of treatment for Community migrants, as envisaged in the Council Resolution, certain specific actions are proposed in this chapter concerning access to employment, social security and other living and working conditions.

For third country migrants, specific actions are also envisaged in the social security field to enable them to gradually acquire equality of treatment in this area. Moreover, it is envisaged that third country migrants should also benefit from the actions proposed in this programme in vocational training (including language training); social services; housing, information; education of children; health and conflict of laws. Furthermore, greater participation in the trade union life of the host country should gradually be extended to third country migrants so that they obtain the rights already acquired in this field by migrants originating from within the Community.

Apart from the specific actions, the other problems mentioned above are to be treated in the framework of the gradual coordination of the migration policies of the Member States in regard to third country migrants (Chapter V), the objective being to achieve for them equality of treatment once legally admitted to employment in the Community.

Free movement

The right of free movement provided for in the Treaty of Rome implies the abolition of discrimination based on nationality between workers of

the Member States as regards employment, remuneration, and other conditions of work and employment, as well as guaranteeing the rights to move freely within the Community for the purpose of exercising a wage-earning activity.¹ The regulations in force clearly lay down the principles of free movement, as well as its essential corollaries, in order to achieve as far as possible equality of treatment between national workers and migrant workers.

In practice, however, there remain certain barriers to freedom of movement.

Potential migrants need to have the fullest possible information on available jobs in the Community and the skills required to fill them.

A basic need in this context is putting into operation the European system for the exchange of information about labour supply and demand (SEDOC), which is being established in collaboration with the Member States. The system is expected to be in operation by the middle of 1975.

Meanwhile, the European Office of Coordination is being strengthened to ensure, as one of its main functions, the effective implementation of the SEDOC.

The introduction of an effective system of job information is important not only in matching supply and demand in the Community labour market, but in facilitating the practical operation of Community preference, whereby Community migrants benefit from the same priority in access to employment as nationals; unfilled vacancies

¹ See below the chapter on 'Coordination of migration policies'.

² Principal measures:

Free movement of workers, Council Regulation of 15 October 1968, OJ L 257 of 19.10.1968 and L 295 of 7.12.1968.

Abolition of restrictions on movement and residence for workers and families, Council Directive of 15 October 1968, OJ L 257 of 19.10.1968.

Right to remain in a Member State, after having worked there, Commission Regulation of 29 June 1970, OJ L 142 of 30.6.1970.

Application of social security schemes to employed persons and their families, Council Regulation of 14 June 1971, OJ L 149 of 5.7.1971.

Coordination in the field of public order, public security and health, Council Directive of 25 February 1964, OJ 56 of 4.4.1964.

