

The European Community and migrant workers

European File

The European Community is host to some 6 million migrant workers. The total number of migrants including their families is, however, nearer 12 million — about the size of the population of the Netherlands and more than the population of four other Community countries: Belgium, Denmark, Ireland and Luxembourg. Where do these migrant workers come from and where are they going?

- A large number of nationals of Community countries work in other member countries: around 650 000 Italians, 460 000 Irish and 475 000 'various others' (1978 figures). 73% of the migrant workers, however, come from countries outside the Community. They are mostly citizens of the British Commonwealth, of Turkey, Portugal, Yugoslavia, Spain and Algeria (each group totals between 400 000 and 600 000 workers). Next come the Greeks, the Moroccans and the Tunisians.
- Germany is host to close on 1.9 million foreign workers whilst the United Kingdom and France each have about 1.6 million. Belgium and Luxembourg figure amongst the highest in proportion to their population: 36% of paid workers in Luxembourg are foreign. France has 11.1% foreign workers, Germany 9.5%, Belgium 8.3% and the United Kingdom 7.4%. The Community average in 1977 stood at 7.3%. Below the average come the Netherlands (4.5%), Denmark (2.2%), Ireland and Italy (0.4% each).

Following a homeward trend in the middle of the 1970s, the number of migrant workers now appears to be fairly stable in the Community. For the last seven years, the Nine's external frontiers have been practically closed to new arrivals, and departures have been compensated for by family arrivals and births.

Migrant workers usually take up the jobs which require the least qualifications or are least desirable to nationals and this explains their ability to find work despite the economic crisis. It is estimated that three-quarters of migrant workers are labourers or manual workers, and that only 20% of them have been able to rise to the level of foreman or skilled worker.

The legal situation of migrants also varies considerably depending on whether they come from a Community country or not. Community migrant workers enjoy almost all the rights accorded to nationals. Migrants from third countries, by contrast, are dependent on the legislation of the host country and agreements which have been made with their country of origin. Coming mostly from developing countries, migrant workers encounter more acute cultural problems and suffer more frequently from social rejection.

Why is the Community concerned about migrants?

- The right to move freely between Community countries constitutes a basic right for Community citizens and is one of the fundamental principles of the European Treaties prohibiting, amongst other things, discrimination based on nationality.
- Immigration policy and economic policy interact closely. During the 'golden' period of the 1950s and 1960s, immigrant labour was easily absorbed by a market which was very short of manpower. The influx of migrant workers eased the market situation and contributed to rapid economic growth. But this influx has also:
 - helped limit efforts to improve productivity or develop poor regions and countries considerably deprived of their surplus labour. This is all the more important since migrant workers, it has become clear, rarely return to their region of origin;
 - accentuated social and integration problems, both for the migrant workers themselves and for the communities in which they live whose infrastructure becomes overloaded.
- Since 1973 — the year of the first oil 'shock waves', the brutal slowdown of economic growth has amplified these difficulties, reduced the resources available to deal with the problem and increased the sensitivity of public opinion towards migrants. The Community's responsibilities have thus become evident. It should continue to guarantee the free movement of Community migrant workers, stimulate the coordination of national policies on migrants from third countries, promote the elimination of discrimination over living and working conditions, and take specific measures in the social and educational areas. The Community is also required to take account of migrant problems when designing policies, whether industrial, employment, enlargement with new members, or its contribution to economic development both within and outside the Nine. Aid which the Community provides for the least prosperous regions and to numerous countries in the Mediterranean basin, should progressively reduce the attractiveness of emigration.

What is the Community doing?

In its action programme for migrant workers and their families (launched in 1974 and supplemented by a Council resolution in 1976) the European Commission underlines the need to humanize the free movement of workers from Member States and to ensure equal treatment for workers from third countries. Particular importance has been accorded to vocational training measures, to social services, to medico-social protection, to the schooling of children and to migrant worker information activities. Also covered are the coordination of immigration policies in relation to third countries, and measures to end illegal immigration.

Though progress has been made since these times, particularly through the work of the European Social Fund, the impact of most of the Community regulations has been limited to Community nationals and even some of the provisions are not applied correctly. One of the reasons for this situation is lack of information but also, sometimes, the fact that public authorities are less inclined to accord priority to problems involving social groups who are not well received by the indigenous population.

Free movement of Community citizens

Whilst workers from third countries must obtain a work permit through presentation of a work contract, workers from the Nine are permitted to undertake paid work anywhere in the Community. Since 1968, discrimination based on nationality has been formally eliminated in the areas of employment, remuneration and working conditions. Community migrants no longer need work permits; their residence permits (five years at least) are automatically renewed; at retirement age they can remain in the host country.

There are, however, two limitations to this: the right to move freely can be refused on grounds of public order, security or health; and jobs in public administration can be reserved for nationals. To render free movement more effective, the Community intends to conduct action in various fields:

- Improving information: the European Commission is encouraging collaboration between national employment services and is organizing exchanges between officials specialized in job placement in the Nine. In addition, SEDOC (the European system for the exchange of information about vacancies) should permit information on available jobs and on qualifications required in the nine Community countries to be exchanged by the end of 1980.
- Improving the circumstances of frontier workers: variations in exchange rates or differing national tax systems can cause problems for these workers. At the end of 1979, the European Commission proposed coordinating national tax legislation along the lines of the principle of taxation according to country of residence, and with deductions at source, i.e. at the place where the worker is employed. The Commission is currently examining other difficulties faced by frontier workers.
- Freedom of establishment for professions requiring special diplomas, in particular the liberal professions: for members of these professions, real mobility requires,

in practice, measures to ensure the mutual recognition of national diplomas. On this basis, the freedom of establishment and exercise of a profession has already been ensured for the majority of the medical professions (doctors, nurses, dentists, veterinary surgeons, and soon mid-wives) and to lawyers, who without transferring their practices can represent clients anywhere in the Community. Similar measures are being examined for architects, engineers, pharmacists, etc.

- Residence permits for non-workers in the Community (up until now students and retired persons) who live in another member country without ever having worked there or without any special rights there. The European Commission is proposing to accord them a minimum five-year residence permit as long as they have the minimum income required by the law of the host country.

Social security

The basic principle of the Community's Regulation on social security is to ensure the same protection for migrants from other Community countries and families as for nationals, and to ensure the same minimum length of employment provisions (e.g. for unemployment benefit). For pensions, the aggregation of periods of insurance attained in different Community countries has been guaranteed. The same is true for the export of payments: a retired Italian can, for example, draw his German pension in Germany or in Italy. The family of the migrant worker will, in cases of illness, benefit from the social protection of its country of residence whether it is the host country or the country of origin of the migrant. Certain problems remain however:

- The system for paying family benefits is not totally uniform. If the migrant worker's family remain in the country of origin, the French authorities will only pay the family allowances — often much lower — valid in his country. In other cases, the benefits paid are those of the country of work.
- Community coordination of social systems does not yet apply to the self-employed and to non-working insured people. The European Commission did, however, present the Nine with a proposal on this problem in 1978.

The position of migrants from third countries often depends on agreements concluded between the host country and the country of origin. The agreements frequently make benefits and certain payments dependent on long-term employment. Family benefits can be restricted to children residing with the migrant worker. Special provisions can regulate the right to transfer payments made in the host country, etc.

Living and working conditions

Equal treatment over living and working conditions has been guaranteed for Community migrants. For the others who are often employed in tough and badly paid jobs which Community workers will not accept, it is — lacking any special provisions — once again a long-term objective. Special problems still exist in the areas of housing, trade union rights and political rights.

- **Housing:** guaranteeing equal treatment for Community workers is confronted by practical problems. The quantity of low-rent housing is far from adequate and experience has shown that migrant workers of all origins obtain 'social' housing only after considerable delay, compared to the local population. This explains their concentration in overpopulated, insalubrious districts. The Community has decided to attack this problem and envisages extending to other sectors its building loans which have enabled more than 160 000 'social' homes to be built for coal and steel workers between 1954 and 1979.
- **Trade union rights:** since 1975, Community migrants have enjoyed equal rights over affiliation to trade union organizations and the exercise of most union rights. The European Commission wishes to eliminate these latter restrictions to guarantee a migrant worker the right to participate — as a trade union delegate — in the management of public organizations or in the exercise of public functions.
- **Political rights:** with the exception of migrants employed in Ireland, and of the Irish and Commonwealth citizens employed in the United Kingdom, migrant workers — even from the Community — are excluded from exercising civic and political rights in their host countries. They are therefore not able to directly influence decisions concerning their living conditions. The European Commission has stated itself to be in favour of their participation in local elections.

Vocational training and schooling

Since 1968, a European Regulation guarantees the right of Community migrants to receive schooling and vocational training under the same conditions as nationals (they also have the right to the same study grants). The problem of migrants from third countries still remains, as does the divide between theory and practice. The lack of vocational and linguistic information still constitutes a serious handicap which prevents numerous migrant workers from obtaining suitable jobs or being promoted.

Generally speaking, migrants do not acquire many qualifications during their stay in the host country. Around 20% of them suffer unemployment, particularly in the declining industries and regions. Their children, who number over 2 million in the Community, often have to face socio-psychological problems and special difficulties, particularly at school and over access to employment. The European Social Fund therefore allocated in 1979 some 32 million European units of account¹ for programmes for migrants, no matter what their origin. Two main objectives are being pursued:

- **Vocational training:** the European Social Fund provides financial aid for integrated training programmes (language and vocational preparation courses) which covered around 200 000 migrants in 1979. The Fund also subsidizes the activities of guidance services as well as training and refresher courses for teaching personnel.

¹ 1 EUA = about £ 0.61 or Ir.£ 0.68 (at exchange rates current on 6 May 1980).

- **Schooling:** in 1977, the Nine agreed on the improvement of the reception of the young migrants in the new school and social environment, by way of language courses and teacher training and refresher courses, and the promotion of the teaching of the mother tongue and original culture of the child. In this area the Community finances studies and pilot educational projects. In addition, the European Social Fund helps organize special training to facilitate the entry into school of young migrants of any origin. 85 000 children benefited from such aid in 1979.

Migrants from third countries

Since the beginning of the 1970s, three-quarters of the migrant workers in the Community have not been of Community origin. The objective of equal living and working conditions, of pay and of economic rights, was affirmed by the Nine in their 1976 resolution. In easier times, only priority for jobs would be accorded to Community nationals. But in times of economic crisis and unemployment, the problem is delicate and the governments of the Nine wish to keep their hands free. Where are we today?

- The Community has concluded agreements with certain third countries — Portugal, Turkey, Yugoslavia, Algeria, Morocco and Tunisia in particular — which included provisions for immigrant labour (social security, non-discrimination over pay and working conditions).
- Essentially, the position of migrants from outside the Community is governed by national legislation and by bilateral agreements between the host country and the country of origin. The European Commission has therefore proposed that the Nine concert their migration policies. It is both a question of consolidating the priority given to Community nationals on the job market and devising more coherent national policies on migrants from third countries. Such concertation would cover conditions of recruitment of admission, of residence and departure; on measures to ensure equal treatment; on living and working conditions. The Nine decided in November 1979 to step up consultations and information exchanges in these areas to prepare the way for a common approach.
- The battle against illegal immigration poses considerable problems: it is estimated that close on 10% of foreign workers employed in the Community are undeclared and have no legal protection. In addition, by evading payment of social security charges, their employers distort competition between the Nine. The European Commission is proposing the harmonization of national legislation covering illegal immigration, the improvement of information on migrants, and a strengthening of inspection and sanctions against those who encourage illegal immigration or employment. In addition, the worker who has not acted in bad faith should be in a position to appeal against expulsion orders and should be able to benefit from the social advantages enjoyed by the workers employed full time.
- The free movement of workers and equal treatment are destined to be extended gradually to workers in countries applying for membership of the Community (Greece, Spain, Portugal). In the case of Greece which will join the Community in

January 1981, the right of free movement will not fully apply until 1 January 1988. Since Greece has been a net immigration country for the last three years, it is less probable that its workers will flood the Common Market.



The lack of enthusiasm on the part of governments, the reticence or mistrust on the part of the general public, the technical and financial difficulties and above all the persistence of the economic crisis, are further reasons behind the slow progress made in realizing these aims and partly explain the limited nature of the action programme which the Nine has set itself. For the future, the challenge posed by the enlargement of the Community is not slight. But the free movement and equal treatment of citizens of the Nine are part of the Community's heritage. And the promotion of the rights of migrant workers, whatever their origin, remains one of the principle objectives of Community social policy ■



The contents of this publication do not necessarily reflect the official views of the institutions of the Community.

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