

MIGRANT WORKERS

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BACKGROUND: the rise in industrial production in the years following the implementation of the Marshall Plan and the establishment of the Common Market placed extremely heavy pressure on the labour market. To meet the need for labour, industry turned first to national manpower reserves (including, in particular, workers leaving agriculture and, in Germany for instance, the 9 million refugees from East Germany), and then to manpower reserves from Italy and from non-Community countries. The number of migrant workers is officially estimated to be 5.5 million, three quarters of whom come from third countries<sup>1</sup>.

Obviously, the magnitude of the migration problem - and the need to adjust the reception facilities of the industrial regions of the Community - cannot be measured merely in terms of international migration: migration within Italy alone is greater than total international migration, whether intra or extra-Community, in the Nine.

The figures for international migration show a significant link between the volume of host countries' labour resources and their economic development. This explains the difference between Italy and Luxembourg, for example, where migrant workers currently represent 35% of the working population.

LEGAL BASIS: each state retains full responsibility for migration within its frontiers. As far as transnational migration is concerned, the status of Community migrant workers is determined by the Treaties of Paris and Rome and in secondary Community legislation\*. The position of workers from third countries, however, is governed by the national legislation of the host countries or the many bilateral agreements signed between them and the emigrants' countries of origin. This principle, which has led to the introduction of a plethora of different national arrangements, has been departed from only in the agreements containing social provisions negotiated by the Community with the Mediterranean countries (\*II/D/6): the Association Agreements with Greece (9.7.71) (\*II/C/2) and with Turkey (12.9.1963) (\*II/D/6), the Additional Protocol (20.9.1976) with Portugal (\*II/C/2), the cooperation agreements with Morocco (27.4.1976), Tunisia (24.4.1976) and Algeria (26.4.1976) and in certain Community directives.

OBJECTIVES: gradual elimination of all forms of discrimination between national, Community and non-Community workers and enjoyment by foreign workers of civil, political and trade union rights (action programme of December 1975).

ACHIEVEMENTS:

Social action programmes: according to the Council resolution of 21.1.1974 (OJ C 13 of 12.2.1974), a special action programme for migrant workers and members of their families should be concerned, in particular, with:  
- improving 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 (reception, housing, social services and education);

<sup>1</sup>Position in 1975, according to Eurostat. The figures for (a) all migrant workers and (b) those from third countries, expressed as percentages of the overall working population, vary according to member country - e.g. France: 10.9% and 9.2%; Germany: 10.3% and 8.1%; United Kingdom: 7.3% and 4.4%; Belgium: 6.6% and 2.9%; Netherlands: 3% and 1.7%; Italy: 0.4% and 0.2%.

- humanizing the free movement of Community workers and members of their families by providing effective assistance (the prime objective being still to enable workers to find employment in their own regions);
- achieving equality of treatment for Community and non-Community workers and members of their families in respect of living and working conditions, wages and economic rights and
- promoting consultation on immigration policies vis-à-vis third countries.

Since the end of 1974 the European Social Fund\* may co-finance projects designed to promote the occupational readaptation and integration of migrant workers. The special action programme was adopted by the Council Resolution of 9.2.1976 (OJ C 34/75). Under this programme certain measures have been taken concerning the education of migrants' children. The Community has also paid attention to the problems of nationals of Member States working and residing in third countries. Thus, the Community has continued to negotiate, on a reciprocal basis, social provisions analogous to those of internal Community law in agreements with Mediterranean countries supplying large numbers of immigrants.

The Mediterranean agreements: the EEC-Greece and EEC-Turkey Association Agreements, which were designed to pave the way to full membership of the Community for these two countries, naturally make provision for the full application, after certain transitional periods, of the principle of free movement of workers and their families. Although Greece, according to the provisions of the Association Agreement, may already claim entitlement to the free movement of Greek workers in the Community, it has been agreed during the accession negotiations that complete freedom of movement would not be attained until 7 years had elapsed.

For Turkish workers, however, freedom of movement should be gradually introduced between 1 February 1976 and 30 November 1986, pursuant to Articles 43, 49 and 50 of the EEC Treaty. The access of Turkish and Community workers to the respective labour markets and that of Turkish children to general education in the Member States is regulated in Decision 2/76 of the EEC-Turkey Association Council (reproduced in Annex B of the 12th Annual Report of the Association). The aggregation of insurance periods for the purpose of pensions and health care and family allowances for workers and their families residing within the Community and the freedom to transfer old age and invalidity pensions are provided for in Article 39 of the Additional Protocol of 23.11.1970, which has not yet come into force.

However, the agreements signed between the Community and Portugal (Additional Protocol of 20.9.1976) and the Maghreb countries (cooperation agreements of 25.4.1976 with Tunisia, of 26.4.1976 with Algeria and 27.4.1976 with Morocco) do not provide for the possibility of freedom of movement but, on a reciprocal basis and without prejudice to the maintenance of more favourable bilateral arrangements, for non-discrimination on grounds of nationality as compared with Member States' own nationals in respect of working conditions and remuneration, the aggregation of insurance, employment or residence periods spent in various Member States for the purposes of old age, survivors' and invalidity pensions, health care and family allowances for workers and their families residing within the Community, the freedom to transfer pensions granted in respect of old age, death, industrial accident, occupational disease and invalidity.

The positions of Portuguese and Spanish workers will be settled during the negotiations on the accession of these two countries to the Community. Yugoslavia is currently trying to negotiate an agreement with social provisions with the Community.