

Spectators or participants? Immigrants and industrial relations in Western Europe

Georges MINET¹

Although the influx of migrant workers to the industrialised countries of Western Europe was originally intended to fill only a temporary need, the demand for foreign labour soon became a permanent feature of their employment markets. This has raised two questions in regard to the industrial relations system in these countries: first, what effect does the new foreign labour force have on this system and, secondly, to what extent do immigrant workers participate in and benefit from it? Governments have taken a number of steps to facilitate or regulate the integration of immigrant workers in the industrial relations process—and have been encouraged or criticised for their pains by the trade unions, which have themselves been under pressure from their members—while international bodies have mainly concerned themselves with formalising the receiving countries' duty to guarantee immigrant workers' rights, especially in social matters.² A review of the progress made in these respects will, at the same time, show how far immigrants enjoy "effective equality of opportunity and treatment with nationals" in respect of "membership of trade unions, exercise of trade union rights and eligibility for office in trade unions and in labour-management relations bodies, including bodies representing workers in undertakings".³

The area chosen for investigation in the following pages is Western Europe, both because of its high incidence of immigration⁴ and because of its wide variety of industrial relations systems. The term "migrant" (or "immigrant") is used to cover not only workers who leave their native land temporarily but also those who migrate with the intention of settling permanently (mainly in the United Kingdom); all have similar problems, at least in the early

¹ International Labour Office.

² See, for example, the ILO's Migration for Employment Convention (Revised), 1949 (No. 97), Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), and Migrant Workers Recommendation, 1975 (No. 151).

³ Recommendation No. 151, Para. 2.

⁴ See J. H. Lasserre-Bigorry: *General survey of main present-day international migration for employment*, General Conditions of Work Series No. 34 (Geneva, ILO, 1975), pp. 19 ff.

stages, in adjusting to the new conditions even though their legal status differs from one country to another.

Trade unions

Membership

All over Europe laws and regulations grant immigrants the right to equality of treatment with national workers in respect of trade union membership. The related principle of full equality of rights within the union explains incidentally why trade unions often keep no record of how many foreign members they have, thus making it difficult to determine the exact proportions of immigrant membership.

The over-all figures available indicate that the percentage of immigrants who join trade unions is generally lower than that of nationals.¹ In Belgium, for example, slightly fewer than 45 per cent of foreigners were members of trade unions on 1 January 1976 compared with 75 per cent of nationals. The corresponding figures for France appear to be about 10 and 23 per cent. On the other hand, in the Federal Republic of Germany where, at the beginning of 1973, one in five foreign workers was organised as against one in three German workers, the proportions now seem to be quite close—between 30 and 35 per cent in each case. The proportions also appear to be fairly similar in the Netherlands, where some 35 per cent of foreigners are thought to belong to trade unions compared with slightly more than 40 per cent of nationals. As far as the United Kingdom is concerned, surveys tend to show that the proportion of trade union membership among the "minorities" is higher than among nationals.² In Sweden trade union membership among immigrants seems to be at about the same remarkably high level as it is among nationals (80-85 per cent).

Since immigrants tend to be concentrated in certain industries, a sector-by-sector examination helps to make the over-all picture clearer. In Switzerland foreigners made up approximately one-third of the membership of the Building and Woodworkers' Union at the beginning of 1975, while out of the present total membership of the Metalworkers' and Watchmakers' Union (127,000) some 30,000 are foreigners representing a score of nationalities. In the Federal Republic of Germany more than half (52.7 per cent) of the foreign workers employed in the metalworking industry in 1975 were members of the Metalworkers' Union (IG Metall), a slightly higher proportion even than that of Germans in the industry (52.3 per cent).³

¹ Author's estimates based on various sources (trade union documents and miscellaneous national publications).

² See D. J. Smith: *The facts of racial disadvantage: a national survey* (London, PEP, 1976), pp. 115-118.

³ *Gewerkschaftsreport des Instituts der deutschen Wirtschaft* (Cologne), 1975, No. 15, table 4, p. 32.

The propensity of foreign workers to join trade unions varies with the degree of unionisation among nationals. Thus industries and undertakings which traditionally are highly organised frequently have the highest rates of immigrant unionisation, and certain categories of immigrant that are usually hard to recruit tend to join in large numbers where their fellow workers are highly organised. Conversely, the fact that a majority of immigrants are employed in industries in which trade unionism is not as a rule very strong (building, textiles and food) tends to reduce their over-all rate of unionisation.

The proportion of organised foreign workers seems therefore to be linked to the general level of trade union membership in the country of employment. Although occasionally close to that of nationals, it is still in many instances lower despite some improvement. Naturally this causes concern among the trade unions since it could have repercussions on the bargaining strength of the workers as a whole. Efforts have therefore been made to encourage more foreign workers to join but they have run into a number of obstacles, some of which may be laid at the door of the host community and others at that of the immigrants themselves.

THE HOST COMMUNITY

The *terms and conditions of residence* for foreigners lie solely within the province of the public authorities. Provided certain minimum guarantees are respected, the authorities in fact have the power to take various steps with a view to maintaining law and order and to expel or prohibit the entry of foreigners, excepting nationals of the nine EEC member States who enjoy a special status in this regard.¹ The consequences from the trade union point of view of such insecurity in the everyday exercise of civil rights are well known: the general attitude of circumspection expected of foreigners too often discourages them from taking militant action or even joining a union. In too many cases there is a confusion between trade union activity and political involvement and, besides, there are abundant reasons inciting immigrants to keep a low profile: fear of being dismissed or expelled, or perhaps having to answer to the authorities in their country of origin.

The *terms and conditions of employment* have the same characteristics from the economic standpoint as those governing residence. The system of fixed-term contracts of employment, for example, places the worker in a position of insecurity, especially when a residence permit is needed to hold a job or vice versa.

The *nature of the trade union movement* in the country of employment naturally plays a part: its standing in the country, whether it is accepted, rejected or merely tolerated, the power it wields, its structure and its possible political orientations are all important considerations. For example, the ease

¹ Concerning the exercise of trade union rights see, in particular, the Rutili judgement of the Court of Justice of the European Communities (Case 36/75, judgement dated 28 October 1975).

with which an immigrant worker can join may vary according to whether its structure is unitary or pluralist and whether the unions are organised on an industrial or craft basis since the craft unions are naturally closed to those who do not possess the necessary qualifications for membership.

Lastly, one should mention the *characteristics of the employing industry*; industries that are marked by a high rate of labour turnover (building, for example) also happen to be the ones that employ the greatest proportion of immigrants.

IMMIGRANTS' CULTURAL ROOTS AND THEIR ATTITUDES TO TRADE UNIONISM

It has become a commonplace to remark on the ignorance frequently shown by immigrants of the rules and roles of industrial society. Being for the most part country people, artisans or petty traders uprooted from their normal environment, their "working-class consciousness" is often rudimentary or non-existent. And even those who already have a trade union background tend to be disconcerted by the unfamiliar structures or concepts of trade unionism in the host country. Thus the low membership figures for Yugoslav workers in the Federal Republic of Germany, despite the facilities offered by an inter-union agreement, are largely due to the difference in the methods of recruitment: ¹ in Yugoslavia it is the unions that make the first approach, while in the Federal Republic it is the workers.

Generally speaking, apart from the language barrier, the difficulties arising in this connection have to do with the fact that (a) workers migrate essentially for financial reasons; (b) they reproduce in the host country the type of social relations to which they were accustomed in their own country and which may be inimical to trade union development; and (c) they sometimes have the impression of being restricted to the role of paying spectators without any real say in union affairs. Since their first contact with the union is often in connection with a strike or an individual grievance, immigrants seem to regard the union "more as a go-between than as the workers' own organisation".² This is sometimes made quite obvious, as in the case of a French undertaking "where the [immigrant] workers, who were already organised after a fashion in the context of their own culture, felt the need for a union" to press their claims.² Consequently, it is quite common to find immigrant workers joining a union as a group. But if it fails to come up to their expectations, they may suddenly decide, again as one man, to join a different union. Thus there can be comings and goings between organisations which lose or regain the workers' confidence, or the immigrants may have second thoughts about belonging to a union at all.

¹ See "Jugoslawen und Integration", in *Gewerkschaftliche Monatshefte* (Cologne), Jan. 1974, pp. 41-43.

² "Quatre luttes de travailleurs immigrés", in *CFDT-Aujourd'hui* (Paris), May-June 1974, p. 25.

France, the Federal Republic of Germany, the Netherlands and the United Kingdom have all experienced such situations, which result from a combination of circumstances. On the one hand, membership is sometimes regarded as a form of insurance rather than of participation since the immigrant, as a rule, seems to expect "the union to be primarily a mutual benefit or friendly society, capable of solving his immediate personal problems and affording him protection and assistance in return for his vote and his union dues".¹ This sort of expectation is very likely to be disappointed, particularly where the trade union movement in the host country is not equipped to play such a role. In particular, it is an attitude that runs counter to the unions' desire to secure effective grass-roots participation in their activities. Whether or not an immigrant joins a trade union can also depend to a large extent on his nationality or ethnic origin; hence the importance of union activists of the same nationality as the workers, who can provide the essential link between the trade unions and the immigrant communities. Finally, immigrants tend to join a union not so much because of the ideology or system of values it represents but because of the influence it exerts in the undertaking. In fact it is mainly, if not exclusively, at this latter level that the immigrant assesses the union's ability to defend his rights and press his demands.

Trade union principles

"Migrant workers are an integral part of the working class",² and the demand for equality of treatment between nationals and foreigners is a main-spring of trade union policy in all countries of immigration; this can be explained both by the tradition of internationalism and by the need to safeguard the labour force as a whole against the division that would result from the existence of a large "subproletariat". In almost all European countries initiatives from outside the unions to organise foreign workers and, in some cases, the setting up of separate unions on the basis of nationality³ have, in practice, underlined the danger that immigrants might cut themselves off from nationals of the host country. There has also been a good deal of debate, which is still going on in some trade union movements, on how best to satisfy migrants' demands. Certainly there can be no question of ignoring the differences that exist between workers on the ground that, fundamentally, they all share a common condition. According to the French General Confederation of Labour (CGT), a failure to admit that "because of their terms of residence and the conditions in which they live and work and the discrimination practised against them, migrant workers have special needs... would be to deny an obvious reality and to betray our conception of mass trade unionism". In the

¹ J. Minces: *Les travailleurs étrangers en France* (Paris, Editions du Seuil, 1973), p. 331.

² From the Programme of Demands for a New Immigration Policy presented by the French trade union confederations CFDT and CGT in 1972.

³ This is a particularly common occurrence in the United Kingdom where it can be explained by the special nature of some of the immigration movements.

United Kingdom, where it used to be thought that special treatment for immigrants with a view to protecting them against discrimination and encouraging them to participate in trade union activities would undermine the unity of the trade union movement, there has been a substantial shift in thinking on the subject and the special needs of the minorities are now more fully recognised. This has been reflected in the adoption of the same sort of "affirmative action" policy on behalf of immigrant workers as is practised by the unions in Belgium, the Federal Republic of Germany and Sweden.

The campaign to promote equality of treatment would therefore have been unrealistic had it not enlisted the concept of "positive discrimination" which now plays such an important part in several aspects of trade union work. Improving the status of women, the young, the unskilled and the immigrants (who may also belong to any of the other categories) calls for the adoption of special measures. Action taken on behalf of specific groups of workers must of course be distinguished from general relief or charitable work, for which in any case the unions normally refuse to assume responsibility. Such action must always be seen in the general context of workers' demands, the goal being simply to enable the groups concerned to face up to their problems and voice their own demands.

Increasingly systematic efforts are being made in the undertakings to encourage more immigrants to join trade unions. According to the German Confederation of Trade Unions (DGB), increased membership directly depends on the extent to which the foreign and German trade union delegates are able to develop the workers' "trade union consciousness".¹ Many trade unions pay particular attention to training activities for their foreign members; in Belgium, for example, both the Confederation of Christian Trade Unions (CSC) and the General Federation of Labour (FGTB) have drawn up programmes for implementation by their specialist services. These efforts form part and parcel of the general trade union training activities and the courses are open not only to immigrants from various countries but also to nationals, since the unions emphasise the need for activists from the host countries to familiarise themselves with immigrants' problems.²

Immigrants in the union

The fact that foreign workers are becoming integrated in the host country's trade union movement is indicated both by their accession to positions of responsibility at the different levels of the union hierarchy and by the establishment of special machinery within the union. The two processes are linked, moreover, since foreign full-time officials are often designated by the union to help administer this machinery.

¹ "Die deutschen Gewerkschaften und die ausländischen Arbeitnehmer", statement adopted by the Executive Board of the DGB on 2 November 1971.

² For further details see ILO: *Symposium on Workers' Education Needs of Migrant Workers* (Geneva, 21-30 October 1974) (doc. ILO/WED/S.28/D.4).

ACCESS TO POSITIONS OF RESPONSIBILITY

There are still relatively few immigrant workers holding office in most organisations even though legal obstacles to their doing so are rare. In France the right to hold administrative or executive posts in a trade union has recently been granted to all foreign members of the union, provided that they have been working in the country for at least five years and that the proportion of foreigners among the members of the union entrusted with such responsibilities does not exceed one-third.¹ The trade unions had in fact long been trying to facilitate foreigners' access to such posts, including seats on the executive boards of the confederations. In the Federal Republic of Germany separate offices for the various nationalities have been incorporated into a special department of the DGB and are run by officials of the nationality concerned. Some of the individual unions, such as IG Metall, also have foreign full-time officials. The Swedish Confederation of Trade Unions (LO) has a council composed of the officials responsible for immigrant questions in its member unions and an advisory board made up of immigrants holding union office at the local level, in which the various nationalities are represented on a pro rata basis. At the local and district levels there are also committees of foreign trade unionists representing different nationalities and industries. In the Netherlands immigrants have been elected to the unions' executive bodies while in Belgium they hold posts at all levels. In 1972 an immigrant was elected for the first time to the National Executive of Britain's largest union, the Transport and General Workers' Union, which makes a point of encouraging such candidatures. In every case, although the foreign officials have a special role to perform as links between the immigrant communities and the unions, their primary task is to carry out the normal duties associated with their office.

SPECIAL MACHINERY

The unions have established special machinery for enlarging their activities and monitoring the effectiveness of their policies. In France, for example, the CGT has set up a National Immigrant Manpower Committee, which is an advisory body responsible for "keeping an eye on migration trends, examining the problems of immigrant workers at the national level and determining ways of obtaining satisfaction for their specific demands".² Similar committees have also been established by the local and provincial trades councils to identify the problems that arise at their level, to put forward demands for consideration by the trade union executives and to carry out information and publicity work. These committees are composed of French trade union officials and active immigrant trade unionists representing the main national groupings; as a rule they are competent to act on behalf of all the foreign workers within their jurisdiction. "Language groups" have also been set up, sometimes in the

¹ Act No. 75-630, dated 11 July 1975 (*Journal officiel*, 13 July 1975, p. 7236).

² L. Gani: *Syndicats et travailleurs immigrés* (Paris, Editions sociales, 1972), p. 119.

workplace itself where there is a concentration of immigrants, and sometimes, where they are spread more thinly, at the level of the industry; their officers belong to the immigrant manpower committees which are thus kept informed of the particular problems confronting the various nationality groups.

Co-operation

The need for both bilateral and multilateral international trade union co-operation on these matters has been recognised by the international confederations. Relations between trade unions in the sending and receiving countries have been expanded and sometimes institutionalised with a view to achieving a variety of objectives such as helping to remove the barriers to trade union membership in the host country, providing basic trade union training, arranging exchanges of trade union activists and information, or running social services. The mechanisms range from simple contacts to agreements on trade union membership, joint working parties and the establishment of joint committees. For example, the DGB and the Confederation of Yugoslav Trade Unions have set up a joint standing committee to advise and make recommendations to the two organisations. A similar committee has been set up by the DGB and the Confederation of Turkish Workers' Unions (Türk-İs). These bodies, which operate on the principle that joint preparation is essential for the success of measures designed to help immigrants adjust to their new surroundings, make every effort, inter alia, to encourage them to join the appropriate union. The DGB regards increasing the number of reciprocal membership recognition agreements similar to the one concluded with the Confederation of Yugoslav Trade Unions as one of its major tasks, as it does the inclusion in intergovernmental agreements of clauses relating to the right of foreign workers to engage in trade union activities.

Efforts are also being made to expand multilateral union co-operation.¹ The international secretariats are playing an important role here, as is shown, for example, by the decision of the Central Committee of the International Metalworkers' Federation to allow "free international passage" between affiliated unions in the sending countries and the corresponding unions in the host countries so as to ensure the maintenance of rights acquired in the immigrant's original organisation.

The undertaking

Communications in the undertaking

Whether or not foreign workers adjust to industrial relations in the country of employment depends essentially on the conditions that prevail in the

¹ See for example the recommendations adopted by the third Conference of European and Maghreb Trade Unions, Stuttgart, 20-22 May 1976 (*Social and Labour Bulletin* (Geneva, ILO), 1976, No. 3, pp. 283-284).

workplace itself. The ratio of foreign workers to nationals and in some cases their distribution by nationality affect the organisation of work in the undertaking and hence the pattern of industrial relations. According to the policies adopted by the personnel department or the practices imposed by the supervisory staff, immigrants tend either to be grouped together by nationality in the same workshop or to be spread around the various production departments. An excessive concentration of immigrants in a given workshop, gang or particular type of job seems to rule out any "acculturation" to the industrial relations system, with the consequent danger of segregation since the workers concerned have little incentive to learn the language of the host country once an ethnic unit has been established. A situation of this sort affects the general climate of the undertaking and can provoke adverse reactions from nationals and the supervisory staff.

Representative bodies

In most European host countries—and in some cases this is only a very recent development—foreigners are placed on an equal footing with nationals as regards the right to elect and be elected as members of staff representative bodies.¹ This is so, for example, in the Federal Republic of Germany (in the case of works councils), Belgium and the Netherlands.² In France, where all aliens irrespective of nationality have the right to elect and be elected, candidates for the positions of shop steward or member of the works committee must be able to express themselves in French but a person no longer needs to be of French nationality to be appointed as a trade union delegate.³ In Luxembourg not more than one-third of the shop stewards in an undertaking may be foreigners from outside the EEC and only workers from EEC countries may belong to the joint works committees. Finally, where the body is of an exclusively trade union nature, as in the United Kingdom, the union rulebook does not normally lay down any conditions as to nationality but it does sometimes require candidates to have been members of the union, undertaking or trade for a certain length of time.

The proportion of foreign wage earners belonging to these bodies is hard to establish since the unions do not as a rule publish separate figures for foreigners. A comparison of the various statistics confirms, however, that immigrants are frequently under-represented. Progress has been made in this respect but still not enough. As a result of the 1975 works council elections in the metalworking industry in the Federal Republic of Germany,⁴ for example,

¹ Nationals of the EEC member countries are granted this right under Regulation No. 1612/68 (art. 8.1).

² See ILO: *Legislative Series*, 1972—Ger.F.R. 1, Works Constitution Act, dated 15 January 1972 (ss. 7 and 8); 1971—Bel. 1, Act of 17 February 1971 (s. 3); and 1971—Neth. 1, Act of 28 January 1971 (s. 6, paras. 2 and 3).

³ Act No. 75-630 cited earlier.

⁴ See "Betriebsratswahlen 1975: Ergebnisse", in *Gewerkschaftliche Monatshefte*, Oct. 1975, pp. 624 ff.; and *Gewerkschaftsreport des Instituts der deutschen Wirtschaft*, loc. cit.

there is one foreign works council member for every 302 foreign wage earners compared with one German for every 50 of his compatriots, a ratio which is scarcely in keeping with the fact that foreigners employed in this industry are strongly unionised. In Belgium the results of the 1975 works council elections admittedly show that a foreign worker's chances of being elected are the same as a Belgian's (varying from union to union) but the significance of this observation is diminished by the fact that foreigners, considering their numerical strength relative to Belgians, have almost twice as little chance of being adopted as candidates!¹

Besides the obstacles of a general nature referred to above there are at least two practical difficulties which help to explain why foreign workers tend to be under-represented on these bodies: information about elections needs to be translated into several languages and migrants have to be briefed on the procedure. This is sometimes provided for by legislation, as is the case in the Federal Republic of Germany where the regulations governing works council elections make the electoral board responsible for such arrangements.

Union delegates and activists

Generally speaking, immigrants and nationals "do not necessarily use identical criteria for choosing a union delegate".² The immigrant delegate is, first of all, a person whose knowledge of the language of the host country enables him to act as an intermediary between the undertaking and his compatriots. Often his relations with his fellow immigrants are established outside the industrial context. In the United Kingdom, for example, the way in which the members of some immigrant communities who are standing for election as shop stewards conduct their campaign suggests the creation of quasi "political" links. The workers in the shop who do not support their elected steward are then made to feel that they cannot seek his help in case of need. They therefore turn to another shop steward, thus causing a certain amount of confusion, or else abandon hope of enlisting the union's help.³ Such a situation can play havoc with the staff representation procedures, particularly if it is complicated by interethnic rivalries (not to speak of the reactions of the shop stewards who are nationals of the host country).

Nevertheless,

an immigrant trade union activist can have a considerable influence on his compatriots if he has managed to keep in touch with his community, to use his native language without falling into political or trade union jargon..., to avoid seeming too "assimilated" in the host country's way of life and, above all, to remain an effective spokesman for his fellow countrymen.⁴

¹ A. Spineux: "Les élections syndicales de 1975 (I)", in *Courrier hebdomadaire du CRISP* (Brussels), 18 June 1976.

² *CFDT Syndicalisme hebdo* (Paris), 24 July 1975, p. 12.

³ See DeWitt John: *Indian Workers' Associations in Britain* (London, Oxford University Press, 1969).

⁴ Minces, *op. cit.*, p. 332.

The recruitment and training of such activists are major aims of trade union policy as can be seen from the DGB's recommendation that the number of foreign shop stewards be increased.

Helping immigrants to adjust

Besides their normal duties the staff representative bodies can do a great deal within the undertaking to help immigrants adjust. In the Federal Republic of Germany the 1972 Works Constitution Act expressly mentions, *inter alia*, the works council's duty "to promote the integration of foreign workers in the establishment and to further understanding between them and their German colleagues". This duty goes hand in hand with that shared by the employer to ensure that there is no discrimination against a worker on the grounds of his nationality. The works council's traditional tasks (in the fields of occupational safety, vocational training or housing assistance, for example) are no less important where immigrants are concerned, so that adequate representation is essential if their needs are to be taken fully into account.

Collective bargaining

Collective bargaining raises a variety of issues where immigrant workers are concerned. It is essential, first of all, to recognise the need to bring the disadvantaged categories of workers under the mantle of collective bargaining so as to prevent their being left out in the cold, and therefore to promote the integration in the bargaining process of such vulnerable categories as the young, women, temporary workers and immigrants. Admittedly the application of collective agreements to migrants does not as a rule pose any problems since by their very nature the agreements usually cover the whole workforce in a given geographical area or occupation. National legislation and bilateral agreements can moreover guarantee equality of treatment in this respect. This is the case with the Belgian regulations covering the employment of aliens, and with the standard contract to be used by employers hiring nationals of a country bound by an agreement with the Federal Republic of Germany, which provides for the payment of the wage rates stipulated in the relevant collective agreement. In addition, collective agreements may not contain discriminatory clauses relating, for example, to remuneration or dismissal; such clauses are *ipso jure* null and void within the EEC¹ and are also banned by national legislation such as the United Kingdom's 1968 Race Relations Act which established machinery for revising collective agreements containing discriminatory provisions.

Nevertheless, abuses occur even when the terms of the agreements are formally observed: unfair differences in occupational grading, in remuneration and in the content of employment contracts. In addition, the negotiated basic

¹ Art. 7, para. 4, of Regulation No. 1612/68.

rates, which are regarded as the minimum for nationals, too often represent the actual wages of foreigners.

The demand for dignity

Where immigrant workers suffer differences of this sort they tend to seek redress for their grievances through a specific demand for equality of opportunity and treatment with nationals of the host country.¹ Hence the key to their (often conventional) demands is generally to be found in their refusal to accept discrimination in any form whether at work or elsewhere. As a result even the commonest demands (concerning wages and working conditions) take on a novel dimension and are seen as part of the larger "fight for dignity". When immigrants take action against low wages and excessive work speeds or for the improvement of occupational safety and health and the unrestricted exercise of trade union rights, their primary aim is to make the host country stop treating them as second-class workers. However, it stands to reason that the significance of the ensuing negotiations will differ according to whether their demands relate to the consequences of the general organisation of work in the industrialised countries or to actual cases of discrimination.

General demands

If it is true that many demands relating to immigrants' conditions "only concern specific aspects of problems shared by all workers",² then successes achieved in respect of general collective bargaining demands should also benefit immigrants.

Some demands are certainly common to all the workers concerned, whether nationals or foreigners, since basically they relate to work in a particular industry or undertaking, or to particular categories of skill. Thus foreign building workers share the majority at least of the basic demands made by the building unions. Similarly, the immigrants' preoccupations largely coincide with those of the semi-skilled and unskilled categories. Their concentration in certain sectors and at certain levels of skill nevertheless place the demands they share with all the other workers in these categories in a special light, since immigrants may see discrimination in what is in fact the logical consequence of the remuneration system in force in the industrialised countries.³ Of course, the demands formulated with a view to altering this situation are not peculiar to immigrants, even though they often take the lead in articulating them. The fact remains that, their status on the employment market

¹ For the typical example of a strike called in support of such a demand see D. Anselme: "La grève de Penarroya, Lyon, 9 février-13 mars 1972", in *Quatre grèves significatives* (Paris, Epi, 1972), pp. 143-173.

² Resolution on immigration, 36th Congress of the CFDT, Nantes, 30 May-3 June 1973.

³ Including the influence of seniority. See D. Lahalle: "Les travailleurs immigrés d'une grande entreprise de construction mécanique", in *Sociologie du travail* (Paris), July-Sep. 1972, pp. 323-324.

being what it is, they are liable to object to practices which, although not specifically directed against immigrants, appear to them to create or accentuate differences in treatment. For example, if an undertaking grants a thirteenth month's pay to its salaried (monthly paid) staff and all of these are nationals, then the hourly paid immigrant workers are likely to regard this as discrimination against them rather than as a consequence of the salaried staff's different employment status. When they in turn demand a thirteenth month's pay, therefore, their aim is not so much to put more money in their pocket as to achieve equality of treatment with the national workers.¹

Specific demands

The desire to establish genuine equality of treatment naturally makes itself felt also in the condemnation of practices that are truly discriminatory. This takes the problem outside its strictly occupational limits and calls for a fundamental reassessment of the immigrant's position with regard to such matters as housing, hiring and employment practices, or the administrative regulations affecting him.

Equality of rights is sought to begin with in the undertaking through demands relating to job assignment and application of the principle of equal pay for equal work; complaints may also be made against the attitude of the supervisory staff and the way in which bonuses are awarded, the remuneration system is manipulated and promotion opportunities are denied. On the other hand, some demands are inspired by the notion of positive discrimination already referred to: the opportunity to take leave without pay or to accumulate annual leave, the translation of information, etc.

Other demands have to do more generally with the immigrants' position as regards employment and the administrative regulations applied to them. Here the aim is to secure at least compliance with the law in such matters as the provision by the undertaking of the official documents it is supposed to issue (e.g. work papers) or the regularisation of the immigrant worker's status in regard to social security. The rules and regulations governing contracts of employment and housing conditions are also called into question and clauses dealing with these matters are incorporated in works agreements.

Finally, the general situation of immigrants in the host society may be challenged by occurrences that are not directly related to the undertaking but nevertheless affect it (e.g. strikes against expulsions or unpopular administrative measures in the employment field). Such action goes beyond pressing purely occupational demands but only in formal terms since almost every aspect of a migrant's life is shaped by his employment needs.

Many problems that are genuinely specific to immigrants—literacy, language, leave, travelling expenses, religious holidays, discrimination—are beginning to be dealt with in collective agreements. In the United Kingdom the

¹ This example is drawn from D. Kergoat: *Bulldozer ou l'histoire d'une mobilisation ouvrière* (Paris, Editions du Seuil, 1973), p. 109.

Trades Union Congress has undertaken to promote a bargaining strategy designed to ensure equality of opportunity at all levels. Some collective agreements even prove to be highly ambitious, such as the one concluded in February 1975 between the Norwegian trade unions and employers specifying the clauses that should be included in the agreements signed by undertakings using foreign manpower for fixed-term jobs; among these are clauses dealing with equality of treatment in respect of wages and working conditions (and the responsibility of the social partners and local trade union in the matter), the payment of trade union dues by foreign workers, and obligatory reference to the clauses dealing with industrial peace in the national basic agreement.

Direct action

Branded by some as strike-breakers, hailed or condemned by others for their militancy and the vigour with which they press their demands, immigrants nevertheless do not show a particularly marked inclination to resort to direct action, and it seems that there is no correlation between the frequency and scale of work stoppages and the presence of foreign workers in the undertaking.¹ Nevertheless, it must be recognised that immigrants "are often simply unaware of the industrial relations structures and procedures of the country and industry in which they are employed".² Admittedly they take part in the strikes called by trade unions and frequently display exemplary solidarity, but experience has shown on numerous occasions that "the immigrants' life style and the way they conduct a strike, draw up their demands, want their own form of negotiations, elect their representatives and deal with the unions run counter to the customs of the host country".³

The action engaged in by immigrants often takes the form of wild-cat strikes which are particularly disruptive in countries where the industrial relations system is highly institutionalised such as the Federal Republic of Germany or Switzerland. In fact, foreign workers do not see the trade union as the only possible vehicle for pressing their demands and consequently there is a danger that a dispute may come to assume a logic of its own. The difficulties vary, moreover, with the type of protest action and the circumstances in which it takes place; immigrants, like all the poorly integrated groups

who are familiar neither with the normal trade union procedures nor perhaps with those of the industry, find themselves quite naturally in the vanguard of the protest when it takes the form of a primarily grass-roots movement, or are inclined to depart from the rules and cause the union problems where the official action is highly institutionalised.⁴

¹ See, for example, in the case of the United Kingdom, D. J. Smith: *Racial disadvantage in employment* (London, PEP, 1974), pp. 55-57.

² J. Schregle: "Labour relations in Western Europe: some topical issues", in *International Labour Review*, Jan. 1974, p. 14.

³ T. Allal et al.: "Conflits et travailleurs immigrés dans la région parisienne", in *Sociologie du travail*, Jan.-Mar. 1974, p. 36.

⁴ J. D. Reynaud, in G. Spitaels (ed.): *Les conflits sociaux en Europe*, collection Marabout service (Verviers, Gérard, 1971), p. 193.

Such problems have led the unions to seek ways of establishing more orderly relations in an attempt to prevent misunderstandings degenerating into antagonism, as sometimes happens when unofficial strikers clash with the union and the cause of the primary dispute is forgotten.

Some lessons and perspectives

The first thing to be borne in mind in assessing the extent of the problem is the danger of overstating the differences by blaming discrimination for situations that in fact result from circumstances of a more general nature. In fact, immigrants sometimes act merely as indicators of the poor labour relations prevailing in the undertaking or industry employing them. This is the case when they rebel against a system of remuneration which is inequitable in itself, i.e. which is unfair to all the workers in an undertaking, nationals included. Furthermore, the central demand for equality of treatment should in fact be interpreted mainly as a challenging of certain evolutionary processes which bear on employment in the host countries and raise such important issues as the devaluing of skills or the upgrading of manual tasks. Hence, apart from some specific subjects, what distinguishes the demands of foreigners from those of nationals is "more a difference of degree than of kind".¹ If this is so, it appears to argue in favour of a new departure whereby collective bargaining would tackle a number of structural problems in industrial society besides taking account of all the genuinely specific minority demands. Far from singling out a certain group of workers for the purposes of bargaining, the adoption of precise strategies in this regard would help both to enhance industrial relations and to improve general working conditions in those industries in which immigrants are particularly concentrated and which are often characterised by low wages or excessive working hours. This is the sort of approach, at once general and specific, which trade unions are increasingly striving to develop and which bodes well for a more effective defence of the interests of foreign and national workers alike. ■

¹ See A. Coeuret: "La participation des travailleurs étrangers aux institutions représentatives des salariés en France", in P. J. Bernard (ed.): *Les travailleurs étrangers en Europe occidentale* (Paris and The Hague, Mouton, 1976), p. 376.