



MIGRATION & INTEGRATION BASED ON RIGHTS AND DIGNITY SOLIDAR'S CONTRIBUTION TO THE EUROPEAN INTEGRATION FORUM

Demographic change and shortage of labour in industrialised countries, lack of opportunities and political challenges in developing countries are just some of the factors explaining the increasing migration of workers to European countries over the last few decades. In the first quarter of 2006, according to the European Foundation for the Improvement of Living and Working Conditions (Eurofound), in the European Union around 8 million non-EU citizens were among the economically active population, which means 3.5 % of the total labour force. In particular, countries like Austria (7%), Germany (6%) and Spain (10%) benefit from the contribution of migrant workers from third countries. These estimates do not take into account migrants who are employed in undeclared jobs, particularly in the areas of agriculture, construction, catering, tourism, domestic care, household services and cleaning.

Migrant workers are more exposed to atypical employment contracts. According to the Organisation for Economic Co-Operation and Development (OECD), the risk of being in a temporary job is higher for migrants than for host country nationals. This happens in particular because of the limited duration of work permits, the high incidence of seasonal work among migrant workers, the role played by temporary work agencies as recruiters of migrant workers and the precarious status of migrants that make them more vulnerable to exploitation.

Migrant workers often face inadequate working conditions and have fewer possibilities of making a complaint against their employers than host country nationals. As highlighted in two case studies produced by SOLIDAR's Italian members ISCOS and PROGETTO SVILUPPO¹, migrant workers face challenges related to working conditions like difficulties in accessing the labour market, differences in wages, on likelihood to benefit from training and to advance in their career, exposure to risk in work environment and weak representation in trade unions.

Besides discrimination, the disadvantaged working conditions of migrant workers seem especially to be linked to their difficulties in obtaining a work-permit and in acquiring the citizenship of host countries, to the recognition of education acquired in their country of origin and to indirect discrimination.

The EU's current migration and integration policies lack coherence, as they promote, at the same time, 'brain-drain' from countries around the globe, by accepting high skilled migrants, and shutting its doors to the less qualified, unskilled and poor, or offering them double standards by denying them access to the whole range of welfare and employment rights. SOLIDAR therefore calls for a strong focus on issues linking migration and employment as we believe that having a clear and comprehensive political and legal framework concerning migrant workers rights is paramount amongst the challenges to be faced in order to enhance the integration of non-EU citizens.

In summary, SOLIDAR calls for:

- The refusal of migration and integration policies predominantly building on utilitarian considerations and the benefits for the host society and disregarding the interest of the immigrants.
- The implementation of the Action Programme on Legal Immigration issued by the Commission in December 2005, and for the Commission to propose the announced directive on seasonal workers;
- The adoption of the directive, proposed by the Commission in October 2007, establishing a single procedure for the issue of a single permit authorising third country nationals to reside and work on the territory of a member state and on a common set of rights for third-country workers legally residing in a Member State (COM(2007)0638). We also call for the abolishment of the list of migrants excluded from the scope of this directive and of the exceptions foreseen to the equality of treatment between EU and non-EU nationals.

¹ In the framework of the Decent Work and Industrial Relations project.

- EU measures ensuring equal treatment of workers posted from third countries since this is not yet covered by the Posted Workers directive or by the directive proposal mentioned in the previous point.
- More inclusive provisions regulating admission conditions of third country nationals, common admissions procedure for economic migration and coordination of national admissions policies.
- Tackling issues such as low pay, low status, unsociable work schedules (night, shift and weekend work), lacking or insufficient social protection linked to jobs in some sectors where the EU is experiencing staff shortages, such as in long-term care with increasing numbers of undocumented migrants. The EU should promote framework conditions in the social protection systems allowing for better pay and working conditions for migrant workers. Migrants and EU citizens alike should be offered decent working conditions and comprehensive social protection systems including workers in the health and care sector.
- Addressing the issue of undocumented migrants. Millions of undocumented migrants live in the EU. Their presence cannot simply be ignored, addressed in terms of border management and/or regularisation. In line with provisions made by the Commission in the European Pact on Immigration and Asylum, SOLIDAR recalls that Member States must ensure that undocumented migrants have access to services that are essential to guarantee fundamental rights (e.g. education of children, basic healthcare). An additional commitment to actively inform undocumented immigrants about their rights regardless of their non-legal status is still necessary. Children of undocumented migrants should have access to primary and secondary education.
- Promoting integration by duly addressing the challenge posed by migration to education systems. In particular, SOLIDAR calls for a revised version of the Council Directive 77/486/EEC of 25 July 1977 on the education of the children of migrant workers. This measure was addressed to migrants enjoying the freedom of movement within the European Union: now, the education system faces new challenges and has to take into account the integration of children coming from other countries than the EU.
- The ratification of the International Convention on the Protection of the Rights of all migrant workers and members of their families of 18 December 1990 by all Member States.
- The ratification of the ILO Convention 97 on Migration for Employment by all Member States and for the respect of the provisions included in the Convention by Member States who have ratified it.
- An enhanced cooperation with third countries in order to set up an effective system for matching demand and offer of employment.

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SOLIDAR is a European network of 53 NGOs active in over 90 countries working to advance social justice in Europe and worldwide. SOLIDAR lobbies the EU and international institutions in three primary areas: social affairs (more social Europe), international cooperation (development cooperation) and education (lifelong learning for all). For more info www.solidar.org