



EFFAT Position on Migration

I. Migration in Europe

1. Without the migration of rural populations into cities (in the Middle Ages with the development of towns and in the nineteenth century with industrialisation) the development of modern Europe is unimaginable. This migration was above all a migration both within nation states and between neighbouring states. Migrants have contributed enormously to the creation of a modern Europe. Historically the cause of migration was the existence of varying living conditions: this cause has not changed greatly up to the present day.
2. Entirely new background conditions have been created by the European integration process, especially through the introduction of the common internal market, the dismantling of national borders and the freedom of movement afforded to workers as one of the four freedoms of that market. The mobility of workers has above all been stimulated by structural changes within sectors and employment markets, age and qualifications developments in the population, and the changed demand for workers to which this has led. Migration has received further impetus from the EU expansions of 1 May 2004 and 1 January 2007.
3. The number of workers in the EU who work in another country has statistically always remained within certain limits. A difference must, however, be drawn between on the one hand the massive (and mostly limited to a few months in the year) migration of millions of European migrant workers in sectors such as agriculture and tourism and, on the other, the cross border activities of mainly academic workers, who represent only a quantitatively small proportion of the army of migrants. Just as in the first case it is above all economic necessity that triggers migrations, so in the latter it is mainly better income and qualifications opportunities. Many sectors are as yet scarcely affected; others, such as the agriculture and hospitality sectors, more so. Meanwhile the number of migrant workers has in some areas overtaken the number of indigenous workers. Thus in the EU agricultural sector there are about four and a half million migrant workers in addition to approximately two million indigenous workers.
4. Migration has seriously affected employment markets in all the EU member countries. It influences the employment policies of governments, of regional and local authorities and, particularly, of businesses. Migration of workers affects the development of national employment regulations and tariff agreements, thus bearing directly on the work and employment conditions of indigenous workforces.
5. Migration is currently determined mainly by a lack of workers and by bottlenecks in certain sectors, as well as by the efforts of businesses to employ the cheapest possible workforce with fewer rights.



6. Because on the one hand the EU opens its borders for workers but on the other guarantees them hardly any social protection, migrant workers encounter huge problems in the same way as indigenous workers: employers abuse migrants' lack of awareness and bypass prevailing national legal provisions in order to exploit migrant workers as a cheap and profitable workforce with precarious working conditions. They play off foreign migrant workers against indigenous workers, thereby provoking reactions such as hostility to foreigners and racism.
7. Migrants often become second class workers with fewer rights, poorer working conditions and lower pay. They are misused because of their difficult situation in what is, for them, a strange country whose laws and customs they often do not know sufficiently and whose language they often cannot speak. Many employers play off indigenous and foreign workers against one another with the result that the indigenous workers fear for their jobs and greet foreign workers with scepticism or rejection.
8. The politically dangerous potential for hostility to foreigners therefore grows, thus increasingly threatening weak and disadvantaged groups of workers with social exclusion when their integration into the EU should be encouraged: the negative referenda in France and the Netherlands on the draft constitution are simply the most visible signs of the workers' concerns that the EU does not sufficiently protect them from the negative social consequences of globalisation.
9. Many Member States do not have an extensive or sufficient network of effective legal or contractual minimum standards to protect workers or migrants from the arbitrariness and exploitation of employers. Just like the EU Commission, many governments close their eyes to the major social problems connected with migration and seasonal work, especially in the agricultural and hospitality sectors.
10. In spring 2006 the EU published a report on economic migration. The Commission starts from the fact that in the foreseeable future the EU will experience a great shortage of workers because of developments in age ('over-ageing'). The Commission therefore perceives a future need to permit increased access for workers from third (non-EU) countries: this brings a further political and social explosiveness to the whole migration discussion.
11. As yet European and national employment statistics do not adequately record migration in sectors such as agriculture and tourism. By not recording millions of migrant workers they falsify the economic and social picture of the employment market and are thus the basis of faulty decisions by political and bureaucratic authorities.



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II. EFFAT Position and Demands for Migration and Freedom of Movement of Workers

1. For EFFAT the freedom of movement of workers within the EU is a part of EU membership and of the EU integration process. In a few years this right will apply throughout the EU and counts as one of the basic rights which must be guaranteed to each of its citizens.
2. Workers who make use of this right should not be discriminated against or treated differently from indigenous workers. For the same value work in the same workplace they must receive the benefit of equal work, employment and pay conditions ('equal rights for the same work in the same place').
3. This equality of treatment must be ensured by legal and tariff agreement regulations in all Member States as well as through a European social policy framework which guarantees certain basic rights and social security to all workers.
4. The social integration of migrants is a task in which everyone must be involved – the migrants as well as the authorities and social groups. The most important pre-condition for successful social integration is a secure job or training position guaranteeing social and financial security for all workers. Employers therefore have a special role to play: every employer has a duty of care to his employees. This duty also applies to seasonal workers and migrants. Employers must therefore take special measures for the integration of foreign workers: these include advising employees of their rights, promoting the learning of the local language, offering any necessary training and further education, and practice-orientated instruction in work safety and food hygiene matters. Employers should offer decent accommodation for seasonal workers.
5. The unions are also the only social protection that migrant workers have. The unions therefore have two main tasks: they must organise and represent foreign workers and they must protect them from discrimination and exploitation by employers or the authorities. As unions we should also try to support them in their daily efforts towards integration.
6. EFFAT member organisations must ensure, through mutual recognition of union membership, that seasonal and migrant workers remain union members even if they move to a job in another country. Union members must be able to receive union protection everywhere in Europe (and worldwide with the ILU).
7. Many migrants are in a difficult position because for economic reasons they leave their homes, families and friends in order to work in a foreign country with a different language, customs and regulations.
8. The aim of the EU must therefore be gradually to overcome the regional socio-economic differences within the EU and to offer workers sufficiently decent jobs in their own countries.



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No one who does not want to should be forced to work in a foreign country in order to make a living.

9. Illicit workers (those without documentation) are especially in danger of exploitation and abuse by employers because of their insecure position and openness to blackmail. A stop must be put to the criminal intrigues of these employers. The workers affected need the special help of the unions so that they can find a way out of their illegality. In many countries there are good examples of unions working together with national governments or even employers' associations by taking targeted action against black market employers in support of the workers concerned.
10. The migration of workers from non-EU states should only take place on condition that:
 - it does not prevent indigenous or EU workers from acquiring or qualifying for certain jobs, and
 - the principle of equality of treatment and non-discrimination applies also to workers from non-EU states.

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