

TRADE UNIONS & MIGRATION – CROSSED PERSPECTIVES

# TRADE UNION EXPERIENCES FOR MIGRANT WORKERS' RIGHTS IN AFRICA AND EUROPE

| Collective publication |

**FRIEDRICH  
EBERT**   
**STIFTUNG**



Trade Unions & Migration – Crossed Perspectives

TRADE UNION EXPERIENCES  
FOR MIGRANT WORKERS' RIGHTS  
IN AFRICA AND EUROPE

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December | 2020



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**PROMIG-FES (2017-2020)** aims at promoting the role of the social partners, including Trade Unions, in the concerted governance of migration and mobility based on rights and social dialogue. The project's multi-stakeholder approach enhances cooperation and coordination. The multi-dimensional approach includes pilot activities that will serve to consider alternatives to the security approach.

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### **Trade union solidarity regardless of nationality and status**

*The present publication illustrates how speeches translate into action.*

*Since the creation of the Mediterranean Sub-Saharan Trade Union Network (RSMMS) in 2014, the Tunisian General Labour Union has demonstrated leadership as coordinator. Today, the Network represents 30 Trade Unions in West Africa, North Africa, and Europe, bringing together their experience and know-how and promoting innovative Trade Union practices through solidarity.*

*The challenges of protecting and organizing migrant workers, promoting fair recruitment and decent work for all, and ensuring the portability of social benefits between countries of destination and origin necessitate new operating approaches that cannot be confined within a country's borders. Responding to migration issues requires institutional and civil society actors to develop transnational cooperation and coordination. It is our endeavor within the RSMMS.*

*To this end, RSMMS member Unions have redoubled their actions and multiplied their partnership agreements regarding migrant workers. This book brings together concrete examples of trade union action in very different contexts and accurately illustrates the role and contribution of Unions in promoting rights-based policies.*

*We would like to express our gratitude to the Friedrich Ebert Foundation for its commitment to our work. For several years, this strategic partnership has provided the labour movement a unique sounding board to encourage trade union action in the field and foster alternative approaches to migration. We also commend the RSMMS member Organisations and Steering Committee for supporting this valuable documentary work that we hope to continue and expand to include other actions in other African and European countries.*

*Our collective commitment has earned us the support of the International Trade Union Confederation and the International Labour Office, which now consider the operating method promoted by the RSMMS an appropriate response to the challenges about migration and worker mobility. We view this as a decisive step towards placing cooperation between Trade Unions in countries of origin, transit and destination, and social dialogue at the heart of migration policies.*

*Long live the workers' movement!  
Long live the peoples' solidarity!*

*On behalf of RSMMS member Organisations*

**Naima HAMMAMI**

Deputy Secretary General, Tunisian General Labour Union - UGTT  
December 2020

  
Secrétaire Générale Adjointe Chargée des  
Relations Arabes, Internationales et de l'Émigration.





## **Identifying, understanding and documenting best Trade Union practices for better support of migrant workers**

*Work is a decisive factor for migrants and remains a determining element in all phases of migration, calling on Trade Union Organisations to adapt and activate solidarity mechanisms to the forefront. Trade unionists stand with migrant workers worldwide, witnessing weaknesses and inconsistencies of the administrative measures and the isolation and vulnerability of potential prospective migrants and foreign workers.*

*For the past four years, the Friedrich Ebert Foundation (FES) has been supporting the Mediterranean Sub-Saharan Migration Trade Union Network (RSMMS). With the present publication, the RSMMS member Organisations are willing to enhance trade union roles and establish transnational cooperation as a coordinated response to address violations of human rights, migrants' fundamental rights, and international migration conventions related to migration.*

*This group publication sheds light on the different realities, experiences, and responses from Trade Unions in West Africa, North Africa, and Europe. The eight shared experiences obviously cannot summarize the entire range of actions carried out by the Trade Union Organisations throughout these regions. However, they illustrate the diversity in Trade union operating methods and complementarity and provide an accurate overview of Trade Union expertise and resources on migration issues.*

*We would like to give thanks to all the authors and contributors, who have made this documentary work possible, and which we are making available to you in three languages (FRENCH-ENGLISH-SPANISH). Such efforts are part of our desire to integrate more strongly Trade union actors in migration governance at the national, regional, and international levels and guarantee a better balance between security, economic, social, environmental, and human considerations.*

*We hope that you will enjoy this publication!*

**Sami ADOUANI**

Promoting Migration Governance - PROMIG-FES Regional Project Director

The Friedrich Ebert Foundation

December 2020



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# WEST AFRICA

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# **PARTICIPATORY APPROACH AND SOCIAL DIALOGUE TO ADDRESS THE CHALLENGES OF CROSS-BORDER MIGRATION IN BENIN**

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Anselme Coovi AMOUSSOU  
Fifamin J. Miguèle HOUETO

## **INTRODUCTION**

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The participatory approach regarding migration issues driven by Beninese Trade Unions is still in its early stages but represents an important step forward in the country. The commitment of Trade Unions that began with the National Union of Trade Unions and Workers of Benin (Union Nationale des Syndicats et Travailleurs du Bénin – UNSTB) upon joining the Mediterranean Sub-Saharan Migration Trade Union Network (RSMMS) in 2017, has been affirmed and consolidated quickly, with the involvement of all Trade Unions in the country. As of 2018, the Trade Union Organizations made the collective choice to unite for a better defence of migrant workers' rights, through the constitution of the network of the Trade Union Organizations for the Defence of Migrant Workers (ROSyD-TM) under the umbrella of ITUC-Africa<sup>1</sup>. Since its inception, Rosyd-Tm has undertaken various initiatives to self-position on the issue of labour migration and to develop proposals to tackle migrant workers' problems. A year after the creation of the network, the commitment, and credibility of Beninese Trade Unions helped to bring together other actors – and to set up the Multi-Stakeholder Migration Platform (PMB). Convergence with other social actors working on migrant rights has enabled the initiative to gain more visibility and to embody an innovative multi-stakeholder scheme in the sub-region.

In this article, we focus on the Rosyd-Tm's contribution in addressing the needs of migrant workers and its efforts to collaborate with other social actors through social dialogue. After briefly describing Benin's migration situation, we will discuss the achievements and potential of the Rosyd-Tm initiative, which combines unity of action and coordination. Lastly, we will formulate recommendations to ensure its sustainability.

## **MIGRATION IN BENIN**

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Due to its strategic geographical position and level of development, the country has little control over migration flow. According to the latest General Census of

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<sup>1</sup> The African Regional Organization of the International Trade Union Confederation.

Population and Housing, the Republic of Benin is both a transit and destination country with about 234,000 migrants<sup>2</sup> out of a population of 10,008,749 inhabitants (about 2,3%, of which 44% were women)<sup>3</sup>. The number of migrants has steadily increased since immigrants were estimated at 78,000 in 1992, and at 156,748 in 2002. Although official, these figures do not reflect reality, since migration flow is not only about regular migration, as many migrant workers<sup>4</sup> deliberately choose to bypass the official counting mechanisms and to operate mainly in the largely predominant informal economy sector. Although Benin's legal framework<sup>5</sup> protects the rights of labour migrants, it still needs improvement. The government's political will<sup>6</sup> to join the Economic Community of West African States (ECOWAS) and other international legal instruments is to be welcomed. The Migration Policy<sup>7</sup> of August 2018 is another cause for satisfaction although its adoption is still long overdue. However, the commitment of Trade Unions and civil society is essential for the effectiveness of the law and to ensure the defence and protection of migrant rights.

## TRADE UNIONS LEAD MULTI-PLAYER INITIATIVES

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Cross-border migration, often irregular, exposes migrants to precarious living and working conditions during their period of transit and/or in the country of destination. In Benin, both State and social actors try to address this situation. Assistance to migrants, particularly migrant workers and their families, has gradually become an important concern for these actors. For a long time, the UNSTB, which represents Benin within the RSMMS, was the only Trade Union interested in the topic. This can easily be understood given that, Beninese trade unionism has for many years faced structural problems coupled with a low rate of unionization which has distanced Trade Unions from migration-related issues considered "distant" or "chimeric". In 2017, with the dynamics created by ITUC-Africa, the Trade Union Confederations and Federations of Benin set up

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<sup>2</sup> INSAE (2016), Recensement Général de la Population et de l'Habitation, Bénin.

<sup>3</sup> Travailleurs migrants au Bénin: perspectives et défis.  
<http://library.fes.de/pdf-files/bueros/benin/15807.pdf>

<sup>4</sup> Spread over the entire national territory with a concentration in border areas, they are mostly found in the informal sector.

<sup>5</sup> Refer in particular to the Law establishing the Republic of Benin, Articles 3, 12, 16 and 17, 22 and 25; Law N° 98-004 on the Labour Code in the Republic of Benin; Law N°86-012 on the regime applicable to foreigners in the People's Republic of Republic of Benin; Law N° 97-647 on the establishment, composition, duties, and functioning of the National Commission for Refugees; Decree N° 2006-066 regulating foreigners' accommodations in the Republic of Benin, etc.

<sup>6</sup> This result, among other things, in the creation of the Migration and Development Working Group to draft the country's migration policy.

<sup>7</sup> With the Interministerial Decree of 2017 N° 15MPD/MAEC/MISP/MEF/DC/SGM/DGPDS APRI/0015GG17, Benin established the Migration and Development Working Group (DT-MD) in 2017, responsible to develop the country's migration policy.

the network of Trade Union Organizations for the Defence of Migrant Workers Rights (Rosyd-Tm). It brings together six organizations, namely the Confederation of Autonomous Trade Unions of Benin (Confédération des syndicats autonomes du Bénin CSA-Benin), the General Confederation of the Workers of Benin (Confédération générale des travailleurs du Bénin - CGTB), the Confederation of Independent Trade Union Organizations of Benin (Confédération des organisations syndicales indépendantes du Bénin - COSI-Benin), the National Union of the Unions of the Workers of Benin (Union nationale des syndicats des travailleurs du Bénin - UNSTB), the Confederation of Private and Informal Sector Trade Unions of Benin (Confédération des syndicats du secteur privé et informel du Bénin - CSPIB) and the Confederation of United Unions of Benin (Confédération des syndicats unis du Bénin - CSUB) – which fund the network, within their very limited means. The objectives of Rosyd-Tm are among others, the defence of the material and moral interests of migrant workers in Benin, the promotion of protective legislation in favour of migrant workers, the establishment of an effective framework of inclusive social dialogue for the development of an enabling environment for migrants in Benin, free access of migrants to basic social services, advocacy and lobbying for the implementation of mechanisms to protect migrant workers, the organization and unionization of migrant workers, especially those in the informal economy, the provision of listening, legal and administrative support to migrant workers who need it, and capacity building on all the above-mentioned topics to network members.

Technical and financial support from the Friedrich Ebert Foundation (FES) and ITUC-Africa enabled Rosyd-Tm to achieve significant results in less than two years of existence. In no time, the Beninese Government asked for Rosyd-Tm's inputs as evidenced by the presence of its members in the Migration and Development working group set up by the Government to contribute to the elaboration of Benin's migration policy document. The actions undertaken by Rosyd-Tm for migrant workers consisted in the creation of a center for listening, orientation, and legal assistance to migrants, hosted in the premises of the "Bourse du Travail"<sup>8</sup>. In addition, the following activities were carried out: the sensitization in October 2019 of more than five hundred (500) migrant workers on labor exchange, on their rights and duties; and on the opportunities that the national social protection program in Benin provides them with; the celebration of Migrant's Day (2019 edition), which resulted in a public event aimed at informing and raising awareness among the Beninese population on migrant rights with the theme "The migrant is my brother". These concrete actions were directed both at the migrant and the Beninese population by strongly connecting the issues around access to rights and integration. These concrete results were possible thanks to the unified actions around the theme. This approach encourages

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<sup>8</sup> The "Bourse du Travail" is the building that hosts the offices of different organizations and Trade Union Organizations in Benin.

the organizations to consolidate their collaboration and reinforce each other, gradually restoring the credibility of Trade Unions in the country, and facilitating collaboration with other actors operating on the same issue (the government, through the Ministries of Development, Interior and Foreign Affairs, and social actors such as NGOs). More directly, the collective approach also helps to reassure migrant workers as they start building a relationship of trust with Trade Unions reaching out to them.

In order to better respond to the needs of migrants, the Unions initiated in 2019, a more inclusive approach through the creation of the Multi-Stakeholder Migration Platform in Benin (PMB). With this platform, the Trade Unions joined forces with non-governmental organizations working on the issue, i.e. migrant workers' associations, a university research center, a network of journalists specializing in migration. They developed a strong collaboration with the technical divisions of the Ministries of Development, Foreign Affairs, Interior, and Labour. The platform, although a non-state mechanism, appears to be an innovative tool for the promotion of social dialogue between member organizations and administrative structures. By setting dialogue, consultation, and collaboration at the service of a common objective, the platform constitutes an operational arm able to strategically contribute to the fulfilment of the vision expressed in Benin's national migration policy developed in 2019<sup>9</sup>. Indeed, Benin is a country where the quality of drafted policy documents is often in contradiction with the conditions of implementation. Therefore, the Multi-Stakeholder Migration Platform intends to play a major role to ensure the monitoring and evaluation tool fulfil its functions as regards accountability, rational allocation of human, financial and material resources, decision-making support, mobilization, and multi-stakeholder partnership enhancement.

## THE UNPRECEDENTED MULTI-STAKEHOLDER MIGRATION PLATFORM EXPERIENCE

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Involving civil society, social partners, legal practitioners, researchers, and other experts in one forum to seriously address labour migrant rights is more or less unprecedented in Benin. It is as such that the platform can serve as a source of inspiration on how to tackle other challenges both in Benin and other countries: an innovation resulting from a methodical and rational process, the deep commitment of all members, and the quality and complementarity of stakeholder profiles.

- **The process:** it was initiated in early 2018, and the first steps consisted in learning how to work together under the leadership of Trade Union

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<sup>9</sup> The national migration policy states: "By 2030, Benin will be a country where legal, intelligent and innovative migration contributes to sustainable development."

Organizations. Rosydt-Tm then undertook to bring together the associations of migrant workers in Benin, the public administration, and the representatives of the United Nations High Commissioner for Refugees (UNHCR) and UNICEF, to help compile a list of NGOs working on migration.

- **The elaboration and signing of the Charter of Unity:** the elaboration of the Charter was essential and received the adhesion of all parties. Consensually, a workshop was then organized bringing together all the platform's stakeholders for the adoption of the content of the Charter. Thus, all members, except researchers, are now founding members of the PMB.
- **The designing of the 2020-2021 action plan:** the action plan contains guidelines that address migrants' real concerns, the policy instruments to tackle them, and the national context. This action plan was elaborated using an inclusive approach and has benefited from the effective participation of representatives of public administration and the International Organization for Migration (IOM).
- **The support from strategic partners:** from the beginning, the platform was able to count on the continuous support of key partners such as the Friederich Erbert Foundation (FES), ITUC-Africa, and the ministries in charge of migration governance.
- **The composition of the platform:** the different member structures of the platform each bring proven expertise covering all the fields of action of a group with such ambitious aspirations. The Trade Unions come with their legitimacy and their capacity to influence the social dialogue structures, and broadcast journalists reinforce the visibility and credibility of the platform's actions. Migrants workers ensure that their real concerns are taken into account and serve as reliable sources of information on their experiences, while university researchers help to ensure the quality of the scientific approach and make research on migration available to the platform. They also train, together with other NGOs specializing in migration and human rights (Migration et Développement, ESAM, AJMD, Human Rights Priority, etc.), a pole of high-quality trainers to build the capacities of the platform's members.

The experience of the Multi-Stakeholder Migration Platform in Benin (PMB) is at an early stage. Although it is already producing some encouraging results and is serving as an example<sup>10</sup> in the sub-region, the platform has yet to impose its leadership and inclusive approach in the overall migration governance in Benin. The consolidation of the platform's achievements to take more steps towards the defence of migrant workers' rights and guarantee them decent work remains a major concern.

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<sup>10</sup> It inspired the creation of a Multi-Stakeholder Migration Platform in Senegal.



## THE IMPORTANCE OF MAINTAINING MOMENTUM TO CONSOLIDATE VALUABLE RESULTS

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The participatory dynamics on migration issue driven by Trade Unions is still in its early stages in Benin. It is however satisfying to note that this process is already beginning to produce some significant results. The involvement of Trade Union Organizations and civil society in implementing the Sustainable Development Goals (SDGs),<sup>11</sup> the formalized participation of Trade Union Organizations and other PMB members in drafting Benin's migration policy document<sup>12</sup> and the trust that has grown between Beninese Trade Unions and migrant associations are major, albeit not automatic, recent developments. Another source of satisfaction is that when in a difficulty or when they face problems, more and more migrants tend to automatically turn to the counselling center set up at the "Bourse du Travail" to provide them with assistance. In seven months, six complaints and calls for mediation were presented to the counselling center, two of which were settled by the Unions, one is ongoing. One of the important changes of which the Beninese Trade Union Organizations are proud of is the openness of the legal texts that govern Trade Union, to make the membership of migrant workers possible. The mention in the statutes of most Unions that said: "...open to workers of Beninese nationality" is now proscribed. Migrants are now free to join the Union of their choice. Trade Union Organizations and other civil society actors have created a new dynamic in the management of labor migration in Benin, through sharing the concerns of migrant workers with the authorities, advocating for the improvement of specific regulatory and legislative framework, including the respect and defence of migrant workers' rights in the negotiating platforms, and raising awareness of the main parties concerned on their rights and duties.

These very encouraging results should not, however, overshadow the still considerable challenges ahead, namely:

- The reception, integration, and social care of documented and undocumented migrant workers in Benin: most migrant workers (those moving within the African continent) in Benin work in the informal sector and may therefore be exposed to the vulnerabilities of this sector.
- Data on migration is rare, unreliable, and difficult to use. This represents one of the most urgent challenges for Benin as the necessary complementarity between migration and development depends on the availability of reliable statistics, which guarantee that migration issues are realistically taken into account in development policies.

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<sup>11</sup> SDG 8, Target 8 aims to protect labor rights, and promote safe and secure working environments for all workers, including migrant workers, particularly women and those in precarious employment. SDG 10, Target 7 aims to "facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies."

<sup>12</sup> Benin's Migration Policy document, elaborated since 2019, is still awaiting government validation.

- The need for the effective implementation of Benin's migration policy paper and its improvement in the medium-term as it focuses heavily on the Beninese diaspora, and would benefit from broadening and refining its objectives in regard to immigration.
- The collateral negative effects of migration, which feeds on, among other things, precariousness, child labour, and trafficking, and violation of labour rights. The "transitioning from the informal to the formal economy programme" and the "Decent Work Country Programme (DWCP)"<sup>13</sup> offer opportunities for Trade Union Organizations to jointly take action on behalf of migrant's workers.
- The protection and respect of migrants' rights in general, through the implementation of texts and the improvement of the regulatory framework, including the ratification of specific legal instruments. Although Benin's legislation on the protection of migrants' rights is rather favourable, it can be improved through more rigorous and systematic enforcement as well as the ratification of conventions on the protection of labour migration.
- Migrant workers' knowledge of legislation that govern their rights: the lack of legal knowledge by migrant workers is a source of vulnerability for them.
- The access to social services for migrant workers. In Benin, the government's social protection program currently tested, called "ARCH"<sup>14</sup> covers all residents including migrant workers. However, this progress cannot hide the many discriminations experienced by migrants in their right to basic social services, particularly school fees<sup>15</sup>.
- Controlling migration flows: to be effective in defending the rights of migrant workers, Trade Unions need reliable information on migration flows in order to understand the extent of the task and priorities.
- Managing migration requires joint regional initiatives. The ITUC sparked unified trade union action that it is sustained at the level of the African region through the African Trade Union Migration Network (ATUMNET)<sup>16</sup>, a French and English-speaking migration platform encompassing 52 countries. This process of integrating networks across the continent deserves to be strengthened and open up more strongly to other networks such as the RSMMS. The presence of Beninese Trade Union Organizations

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<sup>13</sup> The DWCP («PTD») has been under review since 2019. The first DWCP pilot document (2010-2015) has not been not implemented.

<sup>14</sup> ARCH is the Human Capital Reinforcement Insurance which has four components: health insurance, life-long training, microcredit and retirement.

<sup>15</sup> According to current Beninese regulations, tuition fees vary according to the nationality of the student, whether at primary school or at university.

<sup>16</sup> African Trade Union Migration Network.

represented by UNSTB<sup>17</sup> should evolve to support ongoing efforts for unity. Over time, the RSMMS<sup>18</sup> should work more closely with ATUMNET to get national networks of Unions to join rather than individual Trade Union Organizations.

This experience of unified union action on such an important issue as migration has reaped unprecedented results. However, ensuring the continuity of the current momentum as regard the effective implementation of the unity of action around the issue of migration in Benin, remains essential for the social organizations that are members of the PMB. With an estimated unionization rate of 4%<sup>19</sup>, difficulties in mobilizing members, and a low capacity to influence public policies, Benin's trade unionism can be strengthened, asserted, and given credibility through an inclusive approach to the migration issue, not only at the national but also at the regional level.

## RECOMMENDATIONS

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### **In the short and medium-term, the Multi-Stakeholder Migration Platform (PMB) shall:**

- Identify, study, and list good trade union and associative practices that promote the different needs of migrants and their family members, whether in terms of work, health, education, or culture.
- Strengthen its scope of collaboration with other actors in the public administration and gradually set up regional offices throughout the country.

### **Recommendations to the Trade Union Organizations for the Defence of Migrant Workers Rights (Rosyd-Tm)**

- Strengthen their local presence alongside migrant workers living in Benin through better collaboration with migrant associations, and to further structure the listening and counselling center<sup>20</sup>.
- Continue advocacy efforts to integrate migration issues in national development strategies and plans, and to improve the legislative and regulatory framework. For this to happen, advocacy towards the government and parliament must be better organized.

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<sup>17</sup> National Union of the Unions of the Workers of Benin.

<sup>18</sup> Mediterranean Sub-Saharan Migration Trade Union Network.

<sup>19</sup> CHABI IMOROU, A. Audit et analyse du paysage syndical au Bénin, FES, 2019.

<sup>20</sup> Which is increasingly serving as a center for registering complaints relating to the violation of migrant workers' rights, who have developed the habit of calling on Trade Unions to help them deal with abuse by employers and sometimes even the police. To cope with demand, the counselling center must become more professional and expand, by recruit full-time staff instead of ensuring permanence as is currently done.

- Facilitate the participation of migrants in Beninese workers' Unions, including the exercise of trade union responsibilities, and promote partnership agreements with other networks in Africa and elsewhere specialising in the protection of migrant workers' rights, such as the RSMMS, to exchange experiences and harmonize trade union responses.

As far as other actors are concerned, it is important to commend the state actors of Benin, who through the migration policy document, express their ambition to create and maintain a close link between migration and development. Significant steps have been taken officially to make this political will a reality, i.e. (i) the decision to exempt nationals of 31 African countries from visa requirements for entry into the country; this exemption applies to stays of less than 90 days<sup>21</sup>, (ii) the pilot phase of the "ARCH project" for all residents without discrimination of nationality, (iii) the possibility offered to migrant workers to apply for public jobs, etc. However, as with social actors, the government must redouble its efforts to strengthen the participatory dynamic by adopting a systemic approach to managing the situation. The Beninese authorities have to be persuaded that integrating migration issues into programmatic frameworks solely from the perspective of the contribution of the Beninese diaspora is tantamount to dealing with the problem half-heartedly. The challenge for the government of Benin lies in an apprehension of the migration issue in the double sense of reception and departure. To this end, the following recommendations are made:

- To extend the scope of trade union rights, recognized by ECOWAS authorities to migrant workers whether documented or undocumented regardless of their country of origin, and effectively integrate the migration issue in all development policies, namely the National Development Program - NDP adopted in 2019, The Employment Policy and others. To make migration as part of social dialogue by involving more Trade Unions and migrant associations representatives in migration governance bodies, and ensure the production and availability of reliable statistical data on migration in Benin by giving sufficient resources to Statistics and Economic Analysis (INSAE)<sup>22</sup>, but also by using community support networks<sup>23</sup>.

<sup>21</sup> See : Bénin : le visa de court séjour est supprimé pour les ressortissants de 31 pays africains. *Jeune Afrique*, 14 février 2017.

<https://www.jeuneafrique.com/403569/societe/benin-visa-de-court-sejour-supprime-ressortissants-de-31-paysafricains/#:~:text=C'est%20d%C3%A9normais%20chose%20faite,n'exc%C3%A9dant%20pas%2090%20jours>

<sup>22</sup> Institut National de la Statistique et de l'Analyse Economique.

<sup>23</sup> Volunteers chosen by the villagers or the inhabitants of a street in town, who agree to act as a bridge between the community and the various state services.

## CONCLUSION

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The role of Trade Unions at country level is important. This article highlights the trade union experience in Benin, concerning the support to migrant workers and greater involvement from migrants themselves, in view of decent work for all. Despite the relative lead of the UNSTB, which has become part of a network of international trade union cooperation by joining the Mediterranean Sub-Saharan Migration Trade Union Network - RSMMS in 2017, the issue of migration is still recent for the country's Trade Union Organizations. The commitment of these organizations to labor migration is an opportunity. Trade Union Federations, unaccustomed to working together, have joined forces to concretize their interest in migration issues, and to jointly address the challenges of migrant workers. In doing so, they have strengthened the unity of trade union action, and thus have created and facilitated openness to other social forces for the creation of the Multi-Stakeholder Migration Platform (PMB) in Benin. The existence of this platform is a success and symbolizes the inclusive dynamics in the governance of migration in Benin. That said, member organizations and Trade Unions, in particular, must redouble their efforts to constitute a real force of proposals capable of enriching Benin's economic and social development plan based on a transversal reading of migration issues.

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# ANALYSIS OF A TRADE UNION POSTER CAMPAIGN AIMED AT MIGRANT WORKERS IN CÔTE D'IVOIRE

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Adjon Guy Ghislain DANHO

## INTRODUCTION

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Migrants strongly influence the economy of Côte d'Ivoire, which is the first country of immigration in Africa. According to a joint 2018 OECD and ILO study, they contribute 18.7% to the country's GDP<sup>1</sup>. What is the legal framework for labour migration in Côte d'Ivoire? How can the norms and values that govern labour migration be promoted to guarantee decent work for migrants, optimise their integration, and preserve the positive impacts of labour migration? Ivorian Trade Unions, through the Platform of the Confederation of Unions on Migration in Ivory Coast (la Plateforme des Centrales Syndicales sur la migration en Côte d'Ivoire - PCSM-CI), have pledged to promote migrants workers' rights by taking a more active part in social dialogue and addressing priority issues such as the feminisation of migration or the ratification of ILO Conventions N° 97, 143 and 189. These commitments are in line with the concept note that was formulated during the Fifth General Assembly (July 2019) of the Mediterranean Sub-Saharan Migration Trade Union Network (RSMMS), which commits the PCSM-CI "to reinforce the influence of Trade Unions in the process of developing and monitoring migration policies" and increase public awareness on migration.

This article analyses the history of the PCSM-CI and critically examines its 2019 poster campaign. This campaign embodies Ivorian Trade Unions' will to be involved in migration governance by mobilising authorities, development partners, and populations around the cause of migrants in general and migrant workers in particular. The campaign was in itself a turning point for the Ivorian Trade Unions whose aim was to achieve the recognition of migrants' trade union rights, promote decent work, and contribute to the fight against xenophobia. The article is divided into three parts. First, it gives a brief overview of the historical context of migration in Côte d'Ivoire, including the creation of the PCSM-CI and related issues. It then focuses on the technical analysis of the poster campaign, and finally, it proposes to identify the limits of the campaign and formulates some recommendations.

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<sup>1</sup> OCDE/ILO (2018), How immigrants contribute to developing countries' economies.  
[https://www.oecd-ilibrary.org/fr/development/how-immigrants-contribute-to-developing-countries-economies\\_9789264288737-en](https://www.oecd-ilibrary.org/fr/development/how-immigrants-contribute-to-developing-countries-economies_9789264288737-en)

## MIGRATION AND CÔTE D'IVOIRE: BETWEEN INTEGRATION AND THE PRINCIPLE OF "IVOIRISATION"

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Since independence, Côte d'Ivoire has been a country of migration with an open-door policy for workers in agriculture and agro-industry. Thus, from 1960 to 1980, the country was indulgent toward foreigners, in order to meet its labour needs – integrating them into all key economic sectors (agriculture, agro-industry, and construction) and even public administration. As a result, the evolution of the migrant population experienced a remarkable boom: from 5% in 1950, it rose to 17% in 1962, 22% in 1975, and 26% in 1998 (IOM Côte d'Ivoire, 2009). According to the 2014 census, one-quarter of Côte d'Ivoire's population – more than five million people – are foreigners (YÉO, 2019). About three million are migrants (people born outside of Côte d'Ivoire), 45% of whom are women (AUC, Report on Labour Migration Statistics in Africa in 2015).

Throughout history, migration issues have greatly influenced labour legislation in Côte d'Ivoire. When native Ivorians experienced difficulties integrating labour market, leaders developed a policy of national preference (called "*ivoirisation*") in the administration and the private sector. The 1978 *ivoirisation* policy regarding executives (Decree 78/553 of 16 June 1978 establishing the creation, organisation, attributions, and functioning of the consultative committee for the ivoirisation of employment), gradually evolved through an arsenal of legal provisions. Legislation favoured Ivorians in the private sector (Labour Code of 2 January 1995), while the Rural Land Code of 23 December 1998 deprived foreigners of the right to property without prohibiting their access to land. National preference was reaffirmed on 19 February 2004 by Decree N°1437. We can see that the Ivorian authorities made the choice of sectoral solutions rather than a comprehensive strategy. Since the 1990s, recurrent crises have shown that Côte d'Ivoire needs a migration policy to control population growth, the occupational agricultural land, environmental management, employment, and above all, access to basic social services and education.

## A UNIFIED RESPONSE BY IVORIAN TRADE UNIONS ADDRESSING THE CHALLENGES OF LABOUR MIGRATION GOVERNANCE IN CÔTE D'IVOIRE

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- ***An historical overview of the Platform of the Confederation of Unions on Migration in Côte d'Ivoire (PCSM-CI)***

In accordance with the Casablanca Declaration establishing the Mediterranean Sub-Saharan Migration Trade Union Network (RSMMS) in August 2014, the Trade Union Confederations, including the General Union of Workers of Côte d'Ivoire (Union Générale des Travailleurs de Côte d'Ivoire - UGTCI), pledged "to act together in an effective and coordinated manner at the national, regional and international levels to prevent the deterioration of migrant workers working and living conditions, and to fight against all forms of discrimination, racism, and

xenophobia.” In the final declaration during a coordinating mission in Dakar and Abidjan, the RSMMS together with member Organisations reaffirmed the need to implement national strategies, strengthen trade union capacities, consolidate Trade Union/civil society partnerships, and advocate governments for alignment with international legal principles on migration.

As a founding member of the RSMMS, the UGTCl undertook to share its experience with other National trade union Confederations in the country while advocating for their membership in the RSMMS. On 16 June 2016, the Platform of the Confederation of Unions on Migration in Côte d'Ivoire (PCSM-CI) was established. It is composed with the Confederation of Free Trade Unions of Côte d'Ivoire also known as “Dignité” (CISL-DIGNITE) (Confédération ivoirienne des syndicats libres), the Federation of Autonomous Unions of Côte d'Ivoire (FESACI) (Fédération des Syndicats Autonomes de Côte d'Ivoire) the Humanism Trade Union Federation (CSH) (Centrale Syndicale Humanisme) and the National Union of Côte d'Ivoire Workers (UNATRCI) (Union Nationale des Travailleurs de Côte d'Ivoire). Since 2017, the PCSM-CI has been participating in the regional project «Promoting Migration Governance» (PROMIG-FES) running from 2017 to 2020 whose objective is to promote the role of Trade Unions in the concerted governance of migration and mobility – based on rights and social dialogue. During a PROMIG-FES working visit that took place in 2018, several recommendations were formulated to the PCSM-CI and the RSMMS. The recommendations invited the PCSM-CI and the RSMMS to be part of the existing institutional framework, in particular, the awareness committees to make a contribution to their efforts. To this end, it was also suggested that Trade Unions reinforce their support in favour of female domestic workers, promote institutional dialogue, and increase cooperation with civil society organisations.

In its national strategy, the PCSM-CI wants to bring Ivorian authorities to involve Trade Unions in all national, binational, and international migration issues, including obtaining the right for migrant workers to create Unions to better defend their corporations. In practice, this requires close collaboration and unified action with civil society organisations, and has resulted in partnerships with NGOs such as REALIC and several community migrant associations.

Following the example of the UGTCl, each Trade Union Confederation member of the PCSM-CI is requested to create a secretariat in charge of migration for targeted and better-coordinated action. However, budgetary constraints seem to have slowed the momentum, whereby the UGTCl alone has been able to meet this requirement. As a matter of fact, the platform's activities are funded on an ad hoc basis through contributions from the five Confederations, mostly the UGTCl, which has provided the PCSM-CI with temporary headquarters.

The PCSM-CI is an embryonic but innovative and visionary operational instrument that addresses the complexities of migration and helps identify the issues at stake.



### • **Challenges facing the PCSM-CI**

Migrant workers' rights is a critical and highly strategic issue in migration governance. The socio-professional landscape of Côte d'Ivoire is particular in West Africa as entire economic sectors are owned by migrants. This requires taking into consideration specific issues that constitute as many challenges.

Issues related to the effectiveness of trade union action: Federating different Trade Union Confederations from different denominations to the common cause is a significant achievement in its right as the trade union landscape in Côte d'Ivoire is very diverse but divided. In a context where trade union rights are not always guaranteed and the legislative corpus is often dysfunctional, the impossible coordination between Trade Unions undermines workers. With the promotion of migrant rights, the PCSM-CI allows to speak with a single voice in a battle that transcends ideological schools of thought. The platform also enables to place trade union actions within the general framework of the civil society organisations with which it has built close collaboration.

Issues related to the promotion of decent work: The contributions of migrant workers to Côte d'Ivoire are remarkable, especially in the agricultural and informal sectors where they occupy 80% of the jobs (KOUÉ 2014). However, even though they create wealth, migrant workers do not have decent work since they lack access to social security, insurance, or pension. Furthermore, activities such as domestic work, generate forms of exploitation of migrants by parties ignorant of Ivorian law and legislation. Their precarious situation is of concern to the PCSM-CI, which promotes good trade union practices. The visit and donations to washerwomen<sup>2</sup> in October 2018 and the sensitization of migrant workers in the agricultural sector in 2019 are part of the PCSM-CI efforts. Therefore, issues related to irregular migration are tackled upstream because Côte d'Ivoire is a country of transit for many migrants who choose to go to Europe often after having a well-paid but precarious job in Côte d'Ivoire. During the celebration of International Migrants Day in 2018, the PCSM-CI had recommended that the Ivorian government address the factors which foster irregular migration such as youth unemployment, low wages, political persecution, insecurity, and poverty.

Economic and social issues: The lack of interlocutors makes dialogue between the State and migrant workers difficult, encouraging illegal activities. Not only does illegal gold mining deprive Côte d'Ivoire of nearly 500 billion CFA annually but it also deteriorates the environment and is a source of conflict between non-natives and natives. This motivated a workshop with traditional leaders and leaders of migrant communities in September 2018. From a social point of view, gold mining is a typical example of knowledge transfer from Burkina Faso and Malian migrants to Ivorians, who are new to the profession (KOUAKOU, 2018). The same is true for the livestock and retail sectors. By monitoring and allowing

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<sup>2</sup> (« Lavandières »).

migrant economic interest groups to be legally established and to organise, the State strengthens migrants' regulation and socialisation, and facilitates the transfer of their know-how to Ivorians.

Multilateral issues: Despite an apparently unfavourable legal framework, migrant workers enjoy their rights better in Côte d'Ivoire than anywhere else in the WAEMU and ECOWAS. The ratification of ILO Conventions N°97, 143, and 189 advocated by the PCSM-CI can restore the country's image. Furthermore, Côte d'Ivoire is gradually becoming a country of emigration, and some Ivorian know-how and lifestyles are exported. Ivorian need the proper conditions to exercise their skills in Africa under conducive conditions. The country has a strong interest in providing leadership in this area to safeguard and enhance the interests of nationals living outside the country, through reciprocity.

### CHOOSING TO BECOME VISIBLE THROUGH A POSTER CAMPAIGN

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The PCSM-CI's poster campaign was in line with the 3<sup>rd</sup> General Assembly of the RSMMS in 2017, which recommended an international awareness-raising campaign along several lines, including informing public opinion on services for migrants (immigrants and emigrants), promoting migrant rights, and supporting the ratification and implementation process of international conventions on migration<sup>3</sup>.

The PCSM-CI is the Ivorian Trade Unions' joint response to migration governance at the Union level. As such, it had to draw the attention of the population, migrants, and public authorities on the importance to examine and become familiar with migration-related issues. As defenders of workers in general, Trade Unions have a moral obligation to reach out to migrants workers to better understand and address their concerns.

#### ***The campaign's implementation and messages***

The poster campaign consisted of two phases over five months (the entire month of May and from 16 August to 15 November 2019). The campaign consisted of the installation of posters of up to 12 m<sup>2</sup> directed at newly arrived migrants, migrants in transit, and resident migrants. The cities chosen were of strategic importance: Abidjan, the commercial capital of Côte d'Ivoire, a cosmopolitan mega-city in the West African sub-region; Daloa, a hub of irregular migration; and Abengourou is the largest eastern border town, on the border with Ghana to Ghana.

The media coverage of the PCSM-CI's appeal to the government (on International Migrants Day in 2018), ahead of the campaign, is indicative of its efforts to reach a broad range of targets from institutions, to opinion leaders, to

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<sup>3</sup> PCSM-CI Report 2019.

migrant associations and migrants themselves. The PCSM-CI recommended the establishment of an inclusive and national migration governance framework and increased monitoring of migrant workers' rights. On this occasion, the PCSM-CI coordinator stated that the campaign "aimed at sensitising the masses". These announcements ahead of the campaign clearly indicated the determination of the PCSM-CI to position itself as a major actor on migration-related issues in Côte d'Ivoire.

The poster depicted Côte d'Ivoire as a host country to men and women from all over the world, with a written message addressed to migrants that said "*Are you migrant? Have you just arrived? Are you in transit? Are you residents?*"

At the bottom of the poster were specified the services offered by the platform i.e. to receive, listen, advice, support and defend migrants. Contact details were also provided. The PCSM-CI used the poster to reach out to migrants willing to obtain information about their situation and their rights.

### ***Campaign impacts, limitations and recommendations***

#### ***Campaign impacts***

The campaign had two main types of impact – vertical and horizontal.

Concerning the vertical impact – on the primary target – quantitative data show that the awareness messages have affected migrants. The spectacular increase in the number of calls and interviews between the first and the second part of the campaign is indicative of the interest of the main target. From May 1 to May 31, 2019, 45 telephone calls were handled, of which 30 (67 %) were from women. During the second phase, the number of calls increased by 1400% (628 calls), with more and more women reporting (80%). There were 25 times as many interviews aimed at guiding on departure, assistance with integration after return in country of origin, facilitation of IOM procedures after return, and financial assistance to returning migrants. These trends show that the first part of the campaign paved the way for the success of the second part. Returning migrants also came forward, demonstrating their need for assistance.

The campaign's horizontal impact – on partners – also produced interesting results. The IOM approached the Trade Unions, and meetings were held with community leaders representing Burkina Faso, Mali, Senegal, Guinea, Nigeria and so forth, thus confirming the need to conduct community outreach and close collaboration with NGOs in the field.

#### ***Campaign limitations***

The campaign revealed that women are very responsive, confirming the trend towards the feminization of migration in Côte d'Ivoire, and the fact that the condition of migrant women remains precarious. Significant parts of the informal sector such as the food trade, fish retailing or catering are occupied by women. However, the campaign did not specifically address their situation.

Moreover, this campaign also overlooked one of the major characteristics of migration in Côte d'Ivoire which is the high rate of illiteracy among the migrants. More than 50% of Ivorians are illiterate; 67.7% of women living in poverty are illiterate and around 70% of rural population are also illiterate (INS, ENV 2015).

Other weaknesses of the campaign are related to its name, communication channels, and content. The campaign which had no proper name suffered from a lack of identity, and it remains difficult to refer to it. It also lacked online content with unrestricted access. Finally, the posters were subject to constraints related to the space, the organisation of the advertising message and the cost.

### ***Recommendations for future campaigns***

Several actions proposed as recommendations could improve this type of campaign in the future, and make it more inclusive, visible and targeted.

#### **- Winning over marginalised migrants groups**

The PCSM-CI, having already made a strong commitment to migrant women, should have highlighted the gender dimension in the campaign. Posters specifically addressed to women would have further increased their involvement as a target, and interested a greater number. This recommendation also applies to farming communities who share with women, a high rate of illiteracy and a lack of knowledge about Trade Unions. The conduct of an outreach campaign to both groups together with a poster campaign would have enabled to incorporate two innovative parts of the PCSM-CI strategy; i.e. the promotion of trade union action to women and migrant farmers.

#### **- Leveraging social medias**

In a logic of positioning with public opinion, a virtual poster campaign on Facebook, in addition to being free, would have increased its interactivity, visibility, and clarity by reaching an audience of 4.5 to 5 million people<sup>4</sup>. Using Facebook would have enabled to collect the testimonies of migrant workers in difficult situations, messages from platform members on the contribution of workers to the Ivorian economy, and the social transfers they bring to society by conveying new practices and know-how. Not only do social media play an important role in public debates in Côte d'Ivoire, but they also contribute to the socialization of populations which make them essential today.

#### **- Adapting the content to the targets**

In the future, the strategic segmentation should be improved to include all potential targets with specific messages. The socio-cultural landscape of Côte d'Ivoire requires that each target feels concerned by the message, and decides

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<sup>4</sup> Ibrahim Togola, Marketing : étude de marché de Facebook en Côte d'Ivoire en septembre 2020. <https://digitcommunication.ci/marketing-etude-de-marche-de-facebook-en-cote-divoire-en-septembre-2020/> (retrieved 5 Oct. 2020).

to take action. By targets we mean the different components of the migrant worker population: women, child workers, workers in the informal sector, farm and agricultural workers, and workers in the mining sector. In terms of content, there is still room for improvement. Targets are more receptive to messages filled with humanity; they are touched by life stories, failures or successes. Photographs in the context of social mobilization have to show people, with faces highlighted, presenting similarities with those we meet daily in their living environment to generate empathy.

## CONCLUSION

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The poster campaign in favour of migrants is a pioneering activity that aimed at raising awareness of both migrants and public authorities on the conditions of migrants in Côte d'Ivoire. It responds to the challenges of labour migration in Côte d'Ivoire, such as the protection of the right of workers to organize, while providing an example of good Union practice in the sense that the potential for this type of action is real, for both migrants and Trade Unions.

The campaign demonstrated that a wide range of migrants, including Ivorian returnees, relate to the issue. In addition, a significant proportion of women responded, demonstrating that the feminization of migration is a reality in a country where migration has long been a male phenomenon.

The campaign's main challenge was to highlight the urgency for Côte d'Ivoire to put in place a migration policy, and to also ratify and apply international treaties. This has a highly strategic significance since Côte d'Ivoire has always been at the forefront with openness policies, and should continue to serve as a model for other African countries. Now that Ivorian, who have a very sedentary tradition, are also increasingly emigrating, it is necessary to be able to guarantee reciprocity.

The campaign also raised the question of the relevance of awareness-raising actions using the written channel in the context of chronic illiteracy where rural populations are marginalized as they can't read the messages. Since Côte d'Ivoire is an agricultural country where most peasants are illiterate, more appropriate, and inclusive outreach campaigns should be developed with new themes such as migrant workers' rights. A platform such as the PCSM-CI could share its experience in the field, provided it receives support from the Ivorian government and the collaboration of development partners.

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# MIGRATION AND THE PROTECTION OF MIGRANT WORKERS' RIGHTS ARE CATALYSTS FOR UNITED ACTION BY TRADE UNIONS IN MALI

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Nouhoum DIAKITE

## INTRODUCTION

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Migration is a significant challenge for Mali. Due to its commitment to developing African unity, Mali is one of the few countries on the continent where migrants never suffered from mass arrest or deportation. Instead, the authorities focus on protecting Malians *abroad*. Most immigrants work in Mali's informal economy and hardly protest for fear of reprisals from their employers. Migrant workers are loath to involve Trade Unions or lodge complaints, much less appeal to authorities or a court of law. In the event of a conflict, they first turn to compatriot associations, whose actions are rooted in community solidarity. As a result, it is these associations that are doing the most to help migrants in Mali.

However, in 2018, for the very first time, Mali's two main Trade Unions – the Union Confederation of Workers of Mali (UNTM) and the Trade Union Confederation of Workers of Mali (CSTM) – created a platform to jointly defend the interests and rights of migrant workers in the country: the Union Alliance for Migration (ASNAM).

The UNTM and the CSTM have tended to conduct their Union struggles separately, following different visions and strategies. But commitment to improving the conditions of migrant workers in West Africa led them to move from emotional solidarity to effective and coordinated solidarity. This change was motivated by their adhesion to the Mediterranean Sub-Saharan Migration Trade Union Network (RSMMS) in 2017.

This article reviews the circumstances that led to the unified trade union action in Mali by answering the following questions:

- What is migration like in Mali?
- Why and how did a cooperative framework for defending migrant workers develop?
- What has the ASNAM achieved?

## MIGRATION IN MALI

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As a result of its history, geography, and sociology, Mali was always profoundly influenced by migration flows. One of its most famous historical events is the



pilgrimage to Mecca undertaken by Emperor Mansa Musa in the 14<sup>th</sup>-century<sup>1</sup>. According to the country's traditions, geographical mobility is the outstanding feature of certain ethnic groups, such as the Peulh and Soninké (or Sarakolé).

Mali is primarily a country of emigration, with a diaspora estimated in 2018 at 5,618,962 persons<sup>2</sup> present mainly throughout the region of the Economic Community of West African States (ECOWAS), Central Africa, and Europe. Malian diaspora significantly contributes to the country's development.

Influenced by Malian hospitality and its continued political commitment to African integration, Mali has never imposed restrictions on migrant workers. Statistics on labour migrants in Mali are sparse and difficult to use because each structure involved with migrants organises data according to its own needs. However, data from the National Institute of Statistics (INSTAT), which has comprehensive figures about foreigners registered in Mali in 2017, indicate that the country is home to 50,460<sup>3</sup> foreigners, 32% of whom are female. They mainly come from the ECOWAS – WAEMU member states, especially Burkina Faso (24.4%), Guinea (17.2%), Côte d'Ivoire (15.8%) and Senegal (5.2%)<sup>4</sup>. There are also Europeans (French and Belgians), Americans, and Asians (Chinese and Filipinos).

Migrants are classified into two broad categories: employees and self-employed workers, who mainly work in the informal sector and account for more than 50% of Mali's gross domestic product (GDP). The largest contingents of employees work in education (28%), mining (26%), and construction (12%)<sup>5</sup>, as well as hotels, restaurants, and banks. The increase in migrant workers employed in sectors such as education<sup>6</sup> and construction is a recent phenomenon: in the past, most migrants worked in the mines. In contrast, self-employed workers are mainly active in the informal sector, for which there are no relevant statistics. The results of a survey carried out on a small sample of 400 migrant workers show that around 25% work in small and medium-sized enterprises and industries (SME/SMI) – in construction (as electricians and plumbers), in cutting, sewing, and fashion (as tailors and jewelers), or catering<sup>7</sup>.

At the institutional level, all Malian governments, since the 2000s, have had a migration department. In 2014, the government adopted the country's National

<sup>1</sup> The Emperor of Mali made a pilgrimage to Mecca accompanied by a caravan of some 70,000 people.

<sup>2</sup> The 2018 Annual Report of the Ministry of Malians Abroad.

<sup>3</sup> Figure based on Excel tables from INSTAT during the survey of migrant workers.

Cf. Rapport final de l'étude « Enquête sur les travailleurs migrants au Mali », FES (août 2017), p. 15.

<sup>4</sup> Idem, p. 16.

<sup>5</sup> Rapport final de l'« Etude sur les besoins des travailleurs migrants et les services à rendre à la main d'œuvre migratoire par les syndicats de travailleurs ». FES-Mali, octobre 2019, p. 16.

<sup>6</sup> The opening many of private schools created a demand for teachers, and preferably foreign teachers considered to provide high-quality education while being less demanding.

<sup>7</sup> FES-Mali, Oct. 2019, op. cit., p. 23.

Migration Policy (PONAM)<sup>8</sup> partly based on Malian legislative and regulatory texts, international conventions, and the multilateral and bilateral treaties governing various international organisations such as the United Nations (UN), the African Union (AU), the ECOWAS, the WAEMU, the Organisation for the Harmonization of African Business Law (OHADA), the Inter-African Conference on Social Welfare (CIPRES), and so forth. However, the PONAM remains mostly oriented towards the protection of Malians living abroad with the objective to turn migration into a developmental asset. Despite a declared political will and the legal arsenal governing migration, migrant workers' fundamental rights are violated, and their working and living conditions are deteriorating. The multitude of laws (decrees, treaties, conventions and so forth), the lack of coordination between the various structures<sup>9</sup> implementing the texts, and "the insufficient knowledge and adoption of the legal texts ..."<sup>10</sup> point up to the inefficiency of the legislation.

## HOW UNIONS CAME TOGETHER

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When writing about trade union activities in support of migrant workers, it is necessary to analyse the trade union development. In 1992, the advent of political pluralism in Mali allowed for more Trade Unions besides the UNTM, founded in 1963. The CSTM was created in 1997, followed in 2006 by the Malian Confederation of Labour<sup>11</sup> (CMT) and the Democratic Union of Workers of Mali<sup>12</sup> (CDTM) in 2014. In addition to these four Trade Union Organisations, several independent Unions have emerged since 1994, including the Autonomous Union of Magistrates (SAM), the Independent Union of Magistrates (SYLIMA), the Union of Clerks and Secretaries of Clerks, the Free Union of Civil Administrators (SYYNAC), and others. That said, the UNTM and the CSTM continue to largely dominate the Trade Union scene through their territorial coverage and the variety of economic sectors involved.

The UNTM and the CSTM developed different organizational structures, course of action, and strategies. These resulted in distinct analyses and ways of approaching social partners, leading to a situation where each social movement identified only with the initiating Confederation (the UNTM strike and the Memorandum of Understanding signed exclusively with the UNTM). The divergence between both Unions is also noticeable in their approach to migration issues. The UNTM considered that its role regarding migration was only to defend decent work and protect workers in general – regardless of their

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<sup>8</sup> Politique Nationale de Migration du Mali - Ministère des Affaires Etrangères. 2014.

<sup>9</sup> Cahier des migrations, n° 80, 16 février. 2006, pp. 44-47.

<sup>10</sup> PONAM, 2014, p. 4.

<sup>11</sup> Malian Confederation of Labour.

<sup>12</sup> Democratic Union of Workers of Mali.

nationality. As a result, many migrant workers are UNTM members, and some of them elected to works councils. However, as a consequence of this vision, the “Union of Malian Workers in France” (a section of the UNTM) was not involved in migration issues. As for the CSTM, the section dedicated to Malians working abroad was established since the creation of the CSTM but was never operational. However, this did not prevent the Confederation from taking an interest in the plight of foreign workers in Mali. To better protect migrant workers, the CSTM called for agreements between the Unions in the countries of departure and the Unions in the host countries, and the provision of awareness-raising tools.

The CSTM committed to raising awareness of the risks of irregular migration by cooperating with Trade Unions in other countries, which resulted in the implementation of an income-generating activity project supported by the Trade Union Confederation of Workers’ Commissions (CC.OO) from Spain.

Then, in 2017, despite their disparate experiences with migration, the UNTM, and the CSTM agreed that collaborating on migration issues provided the perfect opportunity to join forces – and that unified trade union action was necessary. Both Confederations have gradually come closer as a result of activities carried out jointly with partner institutions, such as the Friedrich Ebert Foundation (FES), the International Labour Organization (ILO), and the International Trade Union Confederation (ITUC).

Their participation in the work of the Technical Commission on Migration at the International Labour Conference (ILC) in Geneva in June 2017 enabled the UNTM and the CSTM to increase their understanding of labour migration and develop their first multi-year action plan. It is precisely the adhesion of both Confederations to the Mediterranean Sub-Saharan Migration Trade Union Network (RSMMS) in September 2017 that allowed the creation of the National Trade Union Alliance for Migration (ASNAM).

Engaging in the RSMMS means that the UNTM and the CSTM agree with the various declarations and commitments (in Casablanca in August 2014, in Paris in February 2017, and in Nouakchott in February 2018), which constitute the RSMMS’s founding principles. Following an awareness-raising mission by several RSMMS member Organisations to the UNTM and the CSTM leaders, the FES decided to include Mali in its regional project – “Promoting Migration Governance / PROMIG-FES (2017-2020)”. Before the official launch of the project activities, a survey entitled “Survey on the situation of migrant workers in Mali: state of play” was carried out as a preliminary assessment of the situation. The workshop organised to ensure ownership of the conclusions of the study provided Trade Union the opportunity to discuss the shortcomings of Mali’s National Migration Policy (PONAM); the dramatic deterioration of the situation of migrant workers and their families; the violations of their fundamental rights at work and international conventions on the rights of migrant workers; the non-ratification by Mali of the ILO Conventions N° 97 and 143, as well as the United Nations Convention on the Protection of the Rights of All Migrant Workers and

Members of Their Families. This process led the UNTM and the CSTM to create the National Trade Union Alliance for Migration (ASNAM) in 2018 to defend and promote migrant workers' rights in Mali and to coordinate national trade union actions with other RSMMS members.

## LAUNCHING AND ADMINISTRATION OF ASNAM

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The ASNAM aims “to strengthen trade union synergy in activities that promote decent work for migrants, including freedom, equality, dignity and social justice for migrant workers and their families”<sup>13</sup>.

Three objectives were formulated:

- To monitor migrant workers' working and living conditions in Mali;
- To defend and promote migrant workers' rights in Mali, and to coordinate Malian trade union action with other RSMMS members; and
- To raise awareness at the national level on the need to ratify and apply international conventions on migration.

The creation of the alliance stimulated changes within the Trade Union Confederations. At their last congress, the UNTM and the CSTM each created a migration department and appointed an immigration focal point within their central and regional offices. The ASNAM has been given a decision-making body: “the National Trade Union Council”, and management authority: “the National Coordination Committee”, in charge of coordinating actions to promote and protect migrant workers' rights. In addition, 18 focal points were appointed for the country's eight regions and the district of Bamako.

Female unionists are instrumental to the ASNAM. The coordination of the 18 regional focal points (seven of which are women) is the responsibility of a female and a male coordinator, representing both organizations. The relatively large number of women means they can actively participate in defining the strategies of the ASNAM organs, taking into consideration the increased vulnerability of female migrants. It is in this perspective that the CSTM women's commission hosted a conference under the theme: “Gender and Migration: Female migrant workers role in managing migration” during the celebration of Pan-African Women's Day in 2017.

The concern to also broaden Union ranks to include young people was stressed during the 3<sup>rd</sup> edition of the Young Leaders Academy for Trade Unions, which focused on “Migration and Labour Standards. Challenges for Unions. The Expatriate and Foreign Migrant Labour Force in Mali”. Raising the members' awareness was essential.

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<sup>13</sup> ASNAM's founding statement, Koulikoro, 9-10 May 2018, p. 3.

As for the operational structure, it has enabled to start an ambitious two-year (2018-2019) capacity building programme, bringing together about 100 participants and allowing Trade Union officials to learn about the central issues related to migration. The activity was complemented by trade union research on the violations of migrant workers' rights in the informal sector, by work category and sector, putting into perspective the real needs of workers and the services that Trade Unions could provide<sup>14</sup>. The various activities carried out provided an opportunity for Trade Unions to meet with migrant associations in Kayes, Koulikoro, and Bamako – allowing migrant representatives to express their concerns for the first time. This closeness is a fundamental challenge to break down mistrust, federate the widely dispersed migrant associations and build a lasting partnership.

The ASNAM has positioned itself as a major national migration actor. Trade union participation in the 2019 edition of the “Bamako Forum”<sup>15</sup> whose theme was “Immigration: What dynamics between Europe and Africa?” was the first measure as regards the recognition of trade union engagement. The fact that Forum organisers invited Trade Unionists from ASNAM among the speakers constitutes the first political result enabling to activate governance mechanisms and the social dialogue around migration policies.

At the international level, the ASNAM derives many benefits from its membership in the RSMMS. Getting government authorities to turn their historical hospitality toward African migrants into a protection and assistance program inspired by the Network's best practices has become the touchstone of Malian Unions. The RSMMS offers Trade Unions a unique opportunity to share experiences and information on migration with Union Organisations from other countries.

It is through the RSMMS that Malian representatives were introduced to the Trade Union Caravan experience (“Street Unions”) implemented in Senegal following WCGIL-FLAI practice. In 2019, Malians traveled to Mauritania to share experiences and information, and assess the situation of Malian workers settled in Mauritania and learn from the experience of the General Confederation of Workers of Mauritania (CGTM), in particular, the Migration Guide Centre.

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<sup>14</sup> Rapport final de l'« Etude sur les besoins des travailleurs migrants et les services à rendre à la main d'œuvre migratoire par les syndicats de travailleurs ». FES-Mali, octobre 2019.

<sup>15</sup> The “Bamako Forum” is a large international event held every February – « The Bamako Forum » is a major international event that takes place in February of each year. The 2019 edition took place from 21 to 23 February 2019.

<https://lecercladeseconomistes.fr/evenements/19e-forum-de-bamako/>

## CONCLUSION

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For years, the UNTM and the CSTM carried out their Union struggle in dispersed order, each Confederation remaining neutral at best, and sabotaging the actions of the other at worst. They both finally understood that the complexity of migration exceeds the capacities of any Trade Union at the country level, regardless the efforts undertaken. Within a few years and with the invaluable support of their partners, the hitherto rival Confederations have been able to adapt their structures to engage together through collaborative action between their entities and resources.

The ASNAM is an excellent example of a united trade union action where a common vision and joint objectives articulate around a concerted strategy. After a timid start, the relevant actions developed for trade union leaders and the migrant population have enabled the platform to become a credible actor in the protection of migrant workers in Mali. However, these encouraging results should not obscure the challenges. Trade Union Confederations must send a strong message to migrants by creating a structure in charge of migrant workers' issues. Malian and migrant workers must join forces in the fight for the extension of social protection and the promotion of decent work in the informal economy. Trade Unions must also broaden the scope of formal social dialogue by voicing their concerns about the working conditions of foreign workers, in particular, the migrants who represent a challenge for the Malian labour market. The elaboration of employment policies and reduction of unemployment requires insight information as regards the real situation of migrant workers in Mali, that is to say, their number, the sectors of activity, and jobs held. All social partners – public authorities, employers, and Trade Unions – have a common interest in collaborating.

By defending the rights of migrant workers in Mali, the ASNAM also hopes to establish cross-border cooperation with Trade Unions in neighbouring countries and thus work towards reciprocity for the Malian diaspora in their host countries. The example of Malian workers living in Mauritania reflects the potential of transnational trade union cooperation and is perfectly aligned with the construction of African unity promoted by Malian authorities. It is an ambitious program – one that the Trade Union movement can help to implement.

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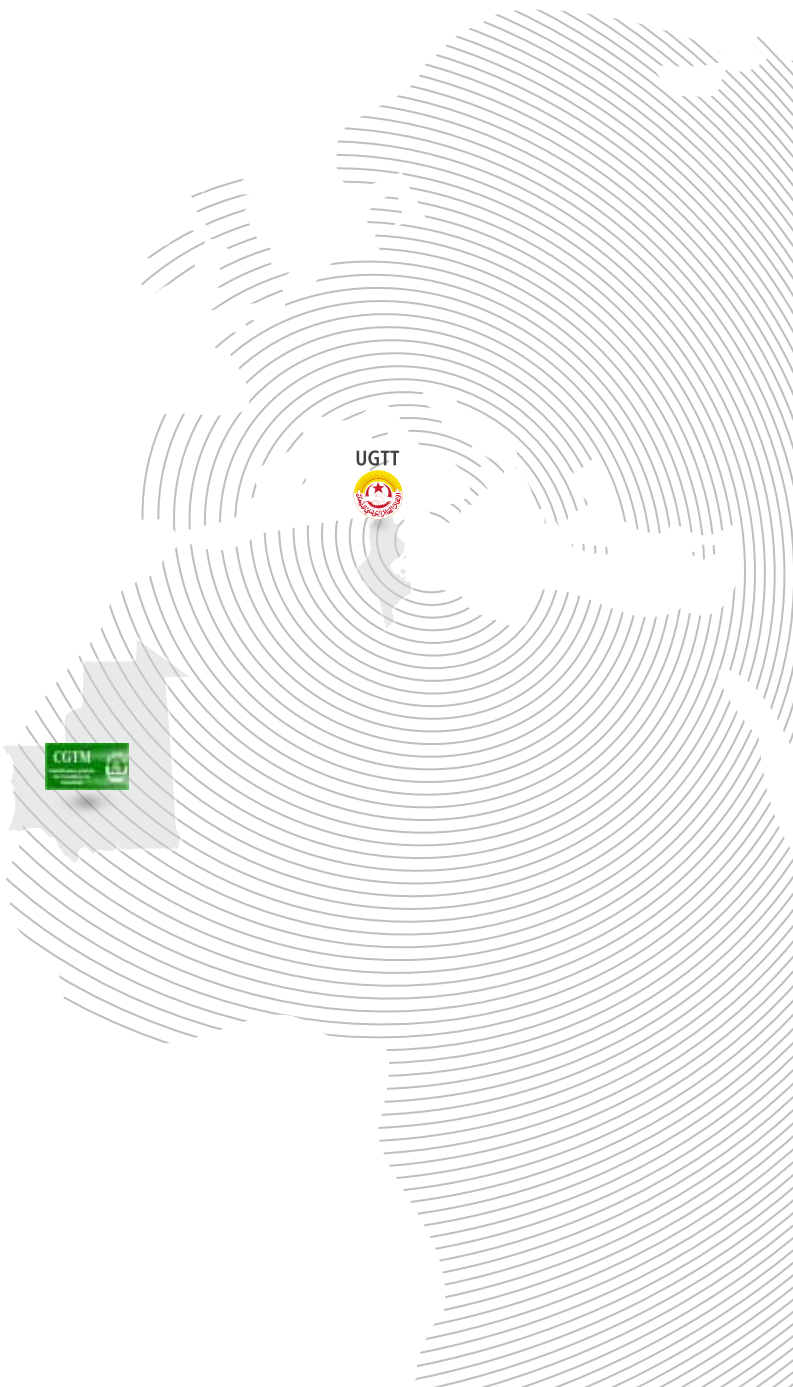
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# NORTH AFRICA

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# **EFFECTIVE SOLIDARITY WITH MIGRANTS: THE PIONEERING EXPERIMENT OF THE CGTM MIGRATION GUIDE CENTRE**

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Mamadou NIANG

## **INTRODUCTION**

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In 2008, the Migration Guide Centre of the General Confederation of Workers of Mauritania (CGTM) opened – just as land, sea, and air border surveillance was reinforced through Frontex. Migrants were persecuted and prosecuted as criminals and locked away in detention centres with no respect for their dignity. The CGTM knew that numerous migrants seeking to reach the Spanish coast were passing through Mauritania, the hub of the western Mediterranean migratory route. They were departing from the northern port of Nouadhibou. Faced with the horror of the tragedies of the migratory route, the CGTM decided to try to support the voiceless migrants who remained hidden.

Founded in 1993 and affiliated to the International Trade Union Confederation (ITUC), the CGTM has included the defense of migrants' rights as a priority in its action plan since its constitutive congress in 1995. In all the occupational Trade Unions affiliated to the CGTM, migrant workers enjoy the same protection as their Mauritanian colleagues. Convinced of universal trade union values and international solidarity among workers, the Confederation has gradually defined its policies and signed alliances both in Mauritania and internationally with other Unions and civil society movements to promote labour migration based on migrant rights. Thus, in 2005, the CGTM was the first African Organisation chosen to experiment inter-union collaborations for the defence of migrant workers' rights within the framework of the ILO's Special Action Programme to Combat Forced Labour. This enabled the CGTM to be one of the founding members of the Mediterranean Sub-Saharan Migration Trade Union Network (RSMMS) initiated in 2009 and officially created in 2014 in Casablanca, Morocco, to promote trans-regional trade union cooperation for the benefit of migrant workers.

The unprecedented experience conducted by the CGTM through the Migration Guide Center goes back to 2008 and remains one of the most successful trade union experience in the South. How did the CGTM leverage international Trade Union cooperation to achieve solidarity with migrants in the field? This article reviews the country's migration context, the creation of the Center, and the services developed for the benefit of migrant workers.

## MIGRATION IN MAURITANIA

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With 4,699, 491 inhabitants, according to the National Statistics Office, 2020, Mauritania had long ignored the issue of immigration, the effects of which were hardly perceivable in a country that is mainly desert, with highly permeable borders and over 700 km of Atlantic coast. The rarely visible migration flows consisted of Malian and Senegalese nationals traveling between the two neighbouring countries to work in Mauritania. During the four decades, which followed independence, migration was not a matter of concern for the government, and there were no changes in the legislation except for bilateral conventions concluded with bordering countries.

But from the 1990s onwards, increased border controls in North Africa and the difficulties encountered on the Saharan desert routes to Libya diverted all the immigration routes that previously led from Morocco, Algeria, Tunisia, and Libya to Spain and Italy. Migration routes shifted to the Saharan and sub-Saharan regions. The arrests of Indian, Pakistani, and Bangladeshi nationals in the north of Mauritania on the border with Western Sahara revealed the existence of a significant, hitherto unsuspected migration flow. This new reality of a transit zone from Mauritania to Southern Europe was further reinforced by the new Nouakchott-Nouadhibou route connecting North Africa to West Africa and by the existence of the “road of hope” between Néma (border with Mali) and Nouakchott, which crosses the country from East to West.

In addition to the increased transit migration to Europe, Mauritania is a country where more migrants are coming to settle. According to the United Nations Department of Economic and Social Affairs (UN DESA), the approximately 170,000 migrants who lived in Mauritania in 2019 were nationals of various African countries (mostly Senegal, Mali, and Guinea) and to a limited extent from other parts of the world, including Asia (in particular due to the boom in investment by China and other bilateral partners). Nouakchott resembles a large construction site where immigrant workers estimated at 84,000 in the city (International Organization for Migration, IOM, 2019) are everywhere. They work in construction, garages, sheet metal and carpentry workshops, small businesses, restaurants, road transport, and domestic work. During the week, along the street in the city center where the French Embassy locates, there is a permanent back-and-forth movement of trucks that come to pick up migrants to work on construction sites and also individuals looking for a “boy” or a driver. On Sundays, the nearby church and its surroundings are full of West African nationals who left their countries in search of better lives. Located in the north of the country, Nouadhibou, the economic capital, is also home to large foreign communities estimated at 32,000 (IOM, 2019). Hundreds of workers wander in all directions on the quays of the port in search of daily work. Some have already attempted the clandestine crossing to Spain and were denied entry by Mauritanian, Spanish, or Moroccan navies. Others have been manipulated by “smugglers” who took their money.

People naturally move between Mauritania, Senegal, and Mali, which are at the same time host countries to many other countries for migrants mostly employed in the informal economy. A large number of immigrants cross the Malian-Senegal-Mauritanian border on foot. In general, these are agricultural workers, and domestics placed by intermediaries, as well as adventurers searching to work, who are ready to swim along the river, travel in dugout canoes, or in public transport trucks that daily commute between the borders. The Marabouts also contribute to the movement of workers by facilitating the clandestine crossing of the border during pilgrimages or religious processions. In Mauritania, the fishing sector is largely dominated by fishermen from Saint-Louis, Senegal.

Due to its economic development especially fuelled by mining, fishing, and, more recently oil, and soon gas, Mauritania attracts more migrant workers. Violence and wars, climate hazards, but more than anything, systemic poverty are the causes of these migrations, which accentuate the attractiveness of a flourishing image of the Mauritanian economy. Besides, the proliferation of intermediaries is another parameter that facilitates the flow of migrant workers in this context.

#### TRADE UNION COOPERATION AND INTERNATIONAL LEADERSHIP: TOWARDS THE ESTABLISHMENT OF A TRADE UNION SERVICE DEDICATED TO MIGRANTS

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The international trade union movement believes that positive contributions of migrant workers to the economies of both their country of origin and destination must be recognized. This recognition should translate into fairer treatment. As part of the global Trade Union struggle for fairer and more humane globalization, linking migration and sustainable development is a fundamental priority to promote decent work for all workers. The implementation of the ILO's Decent Work Agenda in the employment policies of countries of origin, transit, and destination of migrants is the cornerstone of this struggle. Union fieldwork is able to give credit to migrants' demands through information, awareness-raising campaigns, legal assistance and services, the collection of statistics, and so forth. The terrible stories and images of young men and women who perished at sea created more awareness of the situation and the need to get involved in educating young people (who are often blinded by the so-called European El Dorado) about the dangers of irregular emigration.

The numerous attempts to manage migration mainly build on a security and administrative approach. As trade unionists, we want an approach based on the rights of migrants, articulated around the fundamental right to choose freely, where one wants to work, and around the struggle for decent work. The International Trade Union Confederation (ITUC) initiated in 2007, with the support of LO/TCO-Sweden, a partnership agreement between the Trade Unions of Mauritania (CGTM) and Senegal (CNTS) within the framework of the Special

Action Programme to defend migrant workers' rights and strengthen South-South trade union solidarity. Given the secular bonds between the two peoples and the continuous movement between both countries, which are at the same time countries of origin, transit, and destination, the drafting of a joint trade union policy was necessary to help address the concerns of migrant workers. An information and support center for migrants was opened in Nouakchott. It was the CGTM's first large-scale experiment. Open 24 hours a day, specific actions were carried out, mainly information and awareness-raising for migrant workers. Focal points were also designated in various localities considered as transit and departure places for migrants: in Nouadhibou, a port city in the north of Mauritania, the departure point for many clandestine migrants to the Spanish coast<sup>1</sup>, in Rosso, the main gateway between Mauritania and Senegal, and in Aioun, on the border with Mali and in Aleg in the south-east. In the absence of reliable data and the weakness of control structures (employment agencies and the labor inspection), the community outreach work enabled to collect statistical data and to better assess the situation. These activities were possible through the information and support center for migrants, which served as a valuable contact point as migrant workers, who are mainly employed in the informal sector, do not easily reach out to Unions. One unfortunate case concerned a Senegalese migrant who died in a copper mine in Akjoujt in northern Mauritania. His consulate was only able to identify the corpse through information provided by the Union network. On several occasions, consulates have sent needy workers to the Trade Unions for help. Outreach work increased the legitimacy of the Union whose credibility was further reinforced by partnership with institutional actors and international organizations such as the ILO and the IOM. The CGTM thus became a key player in managing labor migration in the country.

## CONSOLIDATING SUPPORT SERVICES TO MIGRANT THROUGH THE CREATION OF THE GUIDE CENTRE

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The diversity of partnerships among Trade Unions through international cooperation has enabled to develop this first experience and to improve the support services provided by the Guide Centre to migrants. With the support of the Spanish Confederation UGT through the Trade Union Institute for Development Cooperation (ISCOD) and the Spanish Agency for International Development Cooperation (AECID), the Centre has in the second phase of development refined its services by capitalizing on its experience and established an action plan along the following lines:

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<sup>1</sup> At the end of the 1990s and beginning of the 2000s, the Catholic Church based in Nouadhibou played through its priest «Father Jean» a key role in assisting migrants, whose entry was denied, or whose boats had run aground off the Mauritanian coast. Father Jean welcomed and accommodated migrants in his church and provided them with humanitarian assistance. He played an essential role in the network of solidarity to migrants and was a valuable partner for the union.

- undertake an extensive campaign of solidarity with migrants by visiting their places of residence, a situation which was unthinkable before;
- inform and raise migrants' awareness about the need to know their rights and get them to place their confidence in the Center, an objective which was difficult to achieve as migrants were suspicious of any stranger;
- explain the Union's role in the defense of migrants' rights;
- raise migrants' awareness of national and international migration laws, particularly in Mauritania and Spain, as a gateway of migration at that time;
- offer legal assistance to migrant workers in their labor disputes, most of whom were exploited in the informal sector, while others such as domestic workers, did not received their wages properly;
- organise the different migrant communities in associations to break out their isolation and segregation and for better solidarity; several migrants from the same country only got to know each other through the Guide Center;
- develop a gender approach by specifically organising female migrant workers in a dedicated structure, which has led to the creation of a strong female migrant domestic workers movement, to be financially supported by the Migration Guide Center for their empowerment; and
- organise migrant workers by opening up their membership through their occupation.

The CGTM raised awareness targeting specific sectors of activity, such as transport and construction, which employ large number of migrants. The Centre has published a periodical newsletter on migrant rights and their job-search conditions. The list below provides information on the different occupational categories of migrant workers benefiting from the programmes offered by the Guide Centre.

**Tab. Migrant workers organized and unionized by the Guide Centre  
(according to membership registers)**

Occupational areas	Period	Number of migrants	Country of origin
Ground transport	2009 - 2012	366	Guinea, Mali, Senegal, Burkina Faso
Security	2010 - 2012	305	Senegal, Mali, Togo, Burkina Faso, Guinea
Buildings and roads	2010 - 2020	453	Senegal, Mali, Gambia, Guinea Bissau, Burkina Faso
ICT (information & communications technology)	2010 - 2013	115	Senegal, Togo, Congo Brazzaville
Catering	2009 - 2019	354	Côte d'Ivoire, Senegal, Guinea Bissau, Guinea Conakry, Burkina Faso
Domestic workers	2009 - 2020	323	Cameroon, Senegal, Nigeria, Guinea Bissau, Togo
Farming	2010 - 2013	02	Mali, Cameroon
Industrial refrigeration	2010 - 2012	25	Gambia, Senegal, Togo, Guinea
Private education	2010 - 2020	452	Mali, Senegal, Congo Brazzaville, Côte d'Ivoire, Burkina Faso, Gambia
Inland fishery	2010 - 2012	125	Senegal, Guinea Bissau, Gambia
Retail trade	2010 - 2015	63	Senegal, Guinea Bissau, Guinea Conakry, Gambia, Mali
Informal	2010 - 2012	38	Senegal, Burkina Faso, Mali, Guinea
<b>TOTAL</b>		<b>2621</b>	

**Source :** The CGTM Guide Centre for Migration (2008 - 2020).

**Information on labour markets:** Since migrants often are misinformed and lured by false promises from organized traffickers, many information activities were conducted by the Center to explain the eligibility criteria for employment in Europe and the formalities to be completed. The CGTM Migration Guide Center carried out the awareness-raising actions in concert with other civil society organizations specializing in migration, which has earned the Center extensive media coverage. To compensate for the lack of reliable statistical data, the Center established a database on the rights of migrant workers, and their working and employment conditions. This database has been instrumental in the identification of migrants' needs and enabled migrants to access more information on their rights. "We provide them with information, and then they have to get organized and fight to ensure that their rights are respected. Our Union philosophy, based on capacity building, aims at providing the tools to defend one's own rights. We cannot fight in their place. They have to make things happen for themselves", said one of the managers.

**Conflict resolution office:** The Center opened a conflict resolution office for migrant workers. "We handle the cases of any migrant facing problems at work, and we are ready to go to the labor court if necessary." The main problems are related to work permits, employment contracts, and unfair dismissals. The Center was able to take action in cases where employers were not paying their domestic servants. It is in this context, that the Centre has built relationships with all the migrant associations of the various nationalities present in Mauritania (Senegalese, Malians, Gambians, Guineans, Burkinabés, Togolese, Nigeriens, Nigerians, Liberians, Sierra Leoneans, Guineans and Bissau-Guineans, Congolese and Central Africans). For example, the 23 associations of Malians in Mauritania held their General Assembly in the CGTM Centre, in the presence of the Malian consul. Trade unionists also held short meetings with these migrant associations in the places where one or other community gathers. Our main objective was to bring the Union and the migrant associations closer, both in Nouakchott and in Nouadhibou, through our local liaison committee.

#### OPENING THE CENTRE TO OTHER CIVIL SOCIETY ACTORS TO BREAK THE WALL OF SILENCE SURROUNDING VICTIMS OF TRAFFICKING

Because the borders between West African countries are vast and porous, it is difficult to ensure an effective surveillance system that deters criminals. Many migrant workers' victims fall into human trafficking nets, and their journeys often end tragically, especially for female domestic workers. Many female migrants arrive through networks that support them upon arrival, to which they have to pay back over months of work. The influence of networks hinders the visibility of migrants. The Union encourages migrants' participation in various public events, such as the May Day parades, to give them more visibility.



Despite the termination of the project in 2012, the Nouakchott Centre for Migrants (which is located in the premises of the CGTM) continues to support female domestic workers in difficulty, and the fight against their exploitation and organized trafficking. The female domestic workers in question come from Senegal, Mali, Guinea Conakry, Guinea Bissau, Burkina Faso, Côte d'Ivoire, Cameroon, Niger, Togo, etc. They support their families back home with remittances earned however they can. They left their home countries under difficult circumstances. Most arrived by road, often after suffering severe harassment, and sometimes crossing several borders. They soon have problems with their employers: very low or non-payment, ill-treatment, kidnapping, deprivation of food and medical care, excessively long working hours, harassment, and rape by the employer. Domestic workers have no visibility, on the one hand because they are foreigners, and on the other, because they work behind closed doors, without legal recognition, mostly without legal status and without a contract. A better understanding of the situation and women's suffering has led the CGTM to join forces with other human rights NGOs to ensure complementary and personalized care for victims, and to broaden advocacy against human trafficking. The Confederation subsequently became at the sub-regional level, one of the driving forces behind the Maghreb Trade Union coordination on migration within the Maghreb Social Forum.

## THE SUSTAINABILITY OF SERVICES, STRUCTURAL WEAKNESS OF THE CENTRE

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The activities of the CGTM/ISCOD/AECID (2008-2011) project on migration were stopped since the end of 2012. This situation has had consequences on the Migration Guide Centre, which no longer had its own premises to continue carrying out actions for migrants and demonstrated the shortcomings of the project in terms of sustainability. From this date onward, a new strategy was adopted by the Centre which had already anticipated the risk. The strategy is to direct migrants towards the respective occupational Unions to handle their concerns or demands. The provision of legal assistance in individual and collective labor disputes was maintained, and several cases have since been followed upon and settled before the competent labor administration. However, the number of cases has been reduced resulting in a return to greater vulnerability for a number of migrants. The sustainability of centers such as the CGTM's is fundamental for international cooperation, in particular within Unions with limited structural resources, to maintain important trade union services.

## CONCLUSION: PURSUING TRADE UNION INNOVATION AROUND THE MOBILITY OF WORKERS

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The Mauritanian experience represents best practice in the international trade union movement and was instrumental in enhancing the reputation of the CGTM. Thanks to the trade union activists who ran the center, the Confederation was able to take advantage of trade union cooperation with European Unions, and to translate, in the field, the values of solidarity towards migrants that are intrinsic to the organization. The role of international Trade Union structures in facilitating the partnerships needed to develop services for migrant workers suffering extreme exclusion and precarious conditions also needs to be underlined.

Since 2014, the ITUC's strategy has taken on a new angle through an initiative that has enabled the Unions to create the Mediterranean Sub-Saharan Migration Trade Union Network (RSMMS). The network, which brings together Unions from North Africa, West Africa, and Europe, has become in a few years, with the strategic support of the Friedrich Ebert Foundation, a framework of reference, proposals, and advocacy in favor of trade union action in defense of migrant workers' rights. The pilot experiences carried out by the members, such as the CGTM's Migration Guide Centre in Mauritania, are capitalized on to stimulate collective reflection and develop coordinated actions.

The results indicate real potential – as demonstrated by the experience conducted in recent years between the CGTM and the Malian Trade Union Confederations on the one hand and the Telecommunications Federation of the UGTT of Tunisia on the other. In the first case, a high-level delegation from Mali consisting of two political leaders and two focal points – the National Workers' Union of Mali (UNTM) and the Workers' Trade Union Confederation of Mali (CSTM) – visited Mauritania to share experiences and information. This exchange visit enabled the Malian Trade Unions to learn from CGTM experiences and best practices. The visit also provided the Unions with a strategic opportunity to act on behalf of the Malian community in Mauritania and alert the Chancellery of Mali of their situation and difficulties. In the second case, employees of the Mauritanian-Tunisian Telecommunications Company (MATTEL) of which Tunisie Télécom is the main shareholder, seized the opportunity of negotiations between the UGTT, the CGTM Telecommunications Sector Federations, and Management to harmonize the working conditions of employees in Mauritania.

Both examples demonstrate real potential for mutual trade union power reinforcement through transnational cooperation, provided it is based on targeted and concrete actions benefiting workers. Human mobility of the future will largely depend on it.

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# PROTECTION OF TUNISIAN MIGRANT WORKERS IN ITALY: A QUESTION OF SOLIDARITY BETWEEN UGTT AND CGIL

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Saïd BEN SEDRINE

## INTRODUCTION

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Since independence, the Tunisian State has implemented a migration policy to protect its citizens abroad and strengthen their ties with the country. The legal framework governing Tunisian-Italian cooperation is designed to protect the rights of Tunisian migrant workers as regards conditions of residence, work, and social security<sup>1</sup>. The bilateral convention on social security covers employed persons, self-employed, seasonal workers, pensioners, entitled persons, and refugees or stateless persons.

In reality, for a significant proportion of migrant workers, living and working conditions in Italy are indecent, even for those lucky enough to emigrate to Italy via official channels. In fact, immigrants born outside the European Union (EU) have a 32.7% risk of in-work poverty<sup>2</sup>, which is 7 points higher than that of Italian workers amounting to 25.5%<sup>3</sup>.

Indecent living and working conditions in Italy imposed on seasonal agricultural workers by the mafia-like “caporalato”<sup>4</sup> system sparked outrage among the Tunisian General Labour Union (UGTT) and the Italian General Confederation of Labour (CGIL). They considered it important and necessary to build their international trade union cooperation to provide a unified response to migrants’ problems and strengthen the countervailing power of transnational trade union action. This is the strategic objective of their Framework Agreement for

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<sup>1</sup> Tunisia and Italy signed a bilateral convention on 7 December 1984. It entered into force on 1 June 1987, followed in 1995 by an exchange of letters concerning conditions of residence and work of nationals of both countries (Tunis, 3 May 1995). A bilateral convention on social security entered into force on June 6, 1987. Finally, an agreement for the employment of seasonal workers was concluded in Tunis on 15 May 2000 and ratified by Law No. 2000-62 of 3 July 2000.

<sup>2</sup> The risk of in-work poverty is a measure of the percentage of persons in the total population reportedly in work (wage earners or self-employed) whose available income is below the at-risk-of-poverty threshold, set at 60% of the national median equalised disposable income after social transfers (see Eurostat 2020. Reference metadata).

[https://ec.europa.eu/eurostat/cache/metadata/en/ilc\\_esms.htm](https://ec.europa.eu/eurostat/cache/metadata/en/ilc_esms.htm)

<sup>3</sup> Data source: Eurostat, updated: 03 Mar 2020 Excel spreadsheet ilc\_iw15 UE28

[https://ec.europa.eu/eurostat/en/web/products-datasets/-/ILC\\_IW15](https://ec.europa.eu/eurostat/en/web/products-datasets/-/ILC_IW15)

<sup>4</sup> Caporalato is an informal workforce intermediation system which is widespread in the Italian agricultural sector, especially in southern parts of the country, where industrial farming requires a large workforce of seasonal (i.e. industrial tomatoes, citrus fruits) and permanent employees (to work in greenhouses, for example). Law 199 of 2016 criminalized caporalato and introduced sanctions for employers who exploit workers, including when recruitment is done through intermediaries.

“inter-union collaboration” signed in 2013, and renewed in 2017. This agreement was signed between the Agri-Food Industry Workers Federation (FLAI-CGIL), the General Agri-Food Federation of the UGTT (FGA), the Italian General Confederation of Labour - Campania (CGIL Campania) and the Agri-Food Industry Federation – Campania (FLAI-CGIL Campania)<sup>5</sup>.

Trade Unions are full-fledged actors of the effort to promote equitable migration. Through their action to protect trade union freedom and collective bargaining rights, their engagement in social dialogue and promotion of decent work, they have become essential in guaranteeing the effectiveness of international labour standards. UGTT and CGIL are among the 16 founder members of the “Mediterranean Sub-Saharan Migration Trade Union Network” (RSMMS) officially created in August 2014 to promote equitable migration and fight for decent work for all, according to a transregional trade union approach on the governance of labour migration.

What have UGTT and CGIL actually and effectively done to protect the rights of migrant workers throughout their migration between Tunisia and Italy?

This article presents the objectives of the Framework Agreement between the two Trade Union Confederations, the functioning, and mission of the structure created to protect the rights of Tunisian migrant workers, and the results achieved in terms of promoting equitable migration.

## OBJECTIVES OF THE TRADE UNION FRAMEWORK AGREEMENT

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With a view to preventing abuse of migrant flows by the mafia-like system that exploits labour to an extent *“sometimes similar to slavery”*, the trade union collaboration between UGTT and CGIL has the following declared objectives:

- To offer Tunisian migrants useful information on occupational activities in the agricultural sector and related activities, standards governing the labour market, the social welfare system, tax system, and legislative provisions governing foreign workers.
- To provide training and qualifications to Tunisians who are candidates for emigration to Italy or those intending to return to Tunisia following completion of a period spent working in Italy.
- To enable effective follow-up of the situation of workers based on inter-trade union collaboration in the country of origin and country of destination, with the participation of the Istituto Nazionale Confederale di Assistenza (INCA) based in Tunisia.

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<sup>5</sup> The agreement was published on 28 January 2013 on UGTT's official Facebook page. <https://www.facebook.com/ugtt.page.officialle/posts/flai-cgil-nazionale-cgil-campania-flai-cgil-campania-fga-ugtt-tunisie-ugtt-tunis/418937308180700/>

- To share information, expertise, and good practice between the Italian and Tunisian Trade Unions as a basis for monitoring the situation of Tunisian workers employed in Italy in the agricultural sector and related activities.

## CREATION IN TUNISIA OF AN AD HOC TRADE UNION STRUCTURE TO PROTECT THE RIGHTS OF TUNISIAN MIGRANT WORKERS

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The situation of Tunisian workers in Italy is handled by the CGIL, which has a strong presence throughout Italy. Under the trade union agreement, UGTT's brief is to protect Tunisian workers during the Tunisian stage of their migration from their departure for Italy, to their provisional (in the case of seasonal agricultural workers) or final return to Tunisia (in the case of certain pensioners). The agreement also aims at protecting the rights of their family members (the right to family reunification, and the right to remit certain social security benefits provided for under the Tunisian-Italian convention on social security where family members live in Tunisia).

The parties agreed to set up five helpdesks to provide information and guidance to Tunisian workers. The first is located in Tunisia on the premises of the General Agri-Food Federation of the UGTT (FGA) and operates on a weekly basis. The second is open for business on the other days of the week and is housed in the INCA office in Tunis. The other three desks are based in the offices of the UGTT regional Unions in Mahdia, Kairouan, and Bizerte. These are geographical areas with significant emigration to Italy.

The responsibilities of the desks were defined by mutual agreement between the parties in accordance with the Framework Agreement (Article 2). The mobilized staff has been trained to acquire the skills necessary for their duty to provide information, advice, and support to migrant workers.

Since 2017, this service-oriented trade union model has been targeting the broader population. A new desk has been opened in UGTT premises in Hammamet which provides services to Italian pensioners who have chosen to settle in Tunisia. Consequently, all the trade union service desks target Italian immigrants in Tunisia and all categories of Tunisian workers migrating to Italy<sup>6</sup>. Hence, their brief is no longer confined to seasonal agricultural workers.

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<sup>6</sup> Declaration of the Secretary-General of UGTT to the "Tunis Afrique Presse" (TAP) at the opening ceremony on 4 February 2020 of the new assistance office for Tunisian emigrants in Italy and Italian pensioners residing in Nabeul ("Tunis Afrique Presse", quoted by the National Migration Observatory).  
<http://www.migration.nat.tn/fr/actualites/nouveau-bureau-d%E2%80%99assistance-aux-%C3%A9migr%C3%A9s-tunisiens-en-italie-et-aux-retrait%C3%A9s-italiens-r%C3%A9sidant-%C3%A0-nabeul>

## TRADE UNION COLLABORATION IS STARTING TO BEAR FRUIT IN TUNISIA: ENSURING THE EFFECTIVENESS OF THE RIGHTS PROVIDED FOR IN THE TUNISIAN-ITALIAN SOCIAL SECURITY CONVENTION

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The general responsibility incumbent upon Members, on a general level, for the proper administration of the institutions and services as mentioned in Article 72, paragraph 2, of ILO Convention No. 102, implies equal access to protection for everyone and that services themselves should be user-friendly and user-centred<sup>7</sup>. By associating representatives of protected persons, as well as representatives of employers, in the management of institutions and services, Article 72, paragraph 1, of ILO Convention No.102, provides an additional guarantee against the risk of administrative or technological obstacles to accessing benefits.

Hence, protection of Tunisian workers' rights depends both on the content of the convention, and its implementation by social security institutions in Italy and Tunisia. The day-to-day governance of these institutions determines the quality of the treatment for social security beneficiaries. The close partnership between the Trade Union structures of UGTT and INCA-CGIL office in Tunisia has helped to solve the problems faced by the Tunisian population which is highly vulnerable to administrative obstacles posed by the National Social Security Fund. Social insurance contributors have to go through the National Social Security Fund to request the Italian Social Security Body to remit their social pension benefits when they are on Tunisian soil.

### ***a) Seasonal agricultural workers obtained their right to family allowances***

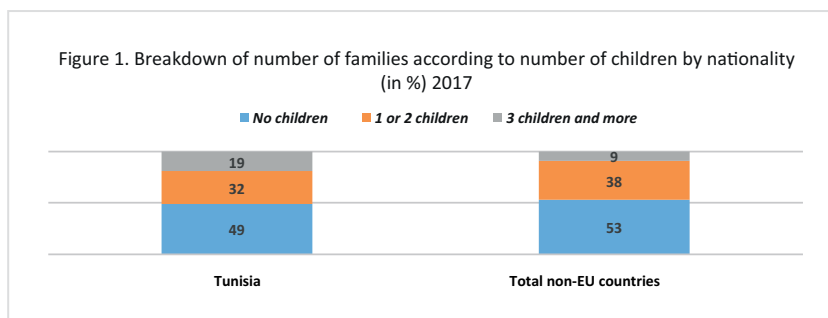
Children's allowances for dependants living in Tunisia are granted for up to four children (upper limit) remaining in Tunisia. For agricultural workers and pensioners, these benefits are distributed by the National Italian Institute for Social Welfare (INPS) provided the formalities are met<sup>8</sup>. These benefits are an indispensable component of income for seasonal agricultural workers not entitled to family reunification. Their family size is similar to that of Tunisian immigrants. On average, 51% of Tunisian migrants in Italy have children. The percentage of families with three or more children is 19%, versus 9% for non-European immigrants (see figure below).

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<sup>7</sup> C 102 - Social Security (Minimum Standards) Convention, 1952 (No. 102).

[https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C102](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C102)

<sup>8</sup> Form "I/TN6" certifying workers' entitlement to family allowances is issued by INPS in Italy and completed by CNSS in Tunisia. Every year the social insurance contributor or the person who has custody after his/her children in Tunisia must apply for the form to the regional or local CNSS office where the family lives.



Source : Istituto nazionale di statistica – ISTAT (National Statistics Institute - Italy). 2017.

Many seasonal agricultural workers who consult the trade union helpdesk report excessive delays in having their family allowance request sent to the INPS, or say their file has been rejected based on claims that the form has not been properly completed<sup>9</sup> – whereas in most cases, the workers meet the conditions provided for under the bilateral Convention<sup>10</sup>. In this context, the lack of advisory services and support from the local National Social Security Fund and its under qualified agents are the main factors causing the problems encountered by Tunisian social insurance contributors. This has been a recurrent situation since 2015 when it became compulsory for seasonal agricultural workers to have their application to the INPS submitted through the CNSS during their stay in Tunisia<sup>11</sup>. In March 2018, the extent of the problem prompted the Italian Social Security Body to acknowledge the existence of “critical issues in the exchange of information on family benefits between Italy and Tunisia”<sup>12</sup>.

In January and February 2020, 700 agricultural workers were able to exercise their right to family allowances thanks to the intervention of the UGTT-INCA trade union helpdesk.

<sup>9</sup> The workers’ poor level of education does not make it easier to access rights using online forms.

<sup>10</sup> February 2020 interview with Mustapha Aouini, in charge of the coordination of UGTT-INCA trade union helpdesks in Tunis.

<sup>11</sup> Ibid.

<sup>12</sup> Cf. Operai agricoli tunisini: indicazioni per le domande ANF, 9 Marzo 2018.

[https://www.inps.it/nuovoportaleinps/default.aspx?itemdir=51698\\_](https://www.inps.it/nuovoportaleinps/default.aspx?itemdir=51698_)

In the message of 7 March 2018, No. 1027, INPS explained how Tunisian agricultural workers should go about completing the form I / TN6. Workers who fail to comply with these instructions lose their rights.



***b) Tunisian pensioners, the other victims of poor National Social Security Fund governance obtained their old age pensions***

The annual flow of pensioners among immigrant workers in Italy grew between 2009 and 2018, rising from 1886 to 4389<sup>13</sup>. The share of pensioners receiving income assistance upon return due to insufficient resources to fund their retirement accounted for 90% of total pensioners in 2018<sup>14</sup>. The average annual pension is 6910 euros, equivalent to an approximate monthly sum of 576 euros<sup>15</sup>.

Many of those consulting trade union helpdesks said they had received no response to their request for early retirement, disability pension, or old age pension submitted to the CNSS. A review of their dossiers by the INCA office in Tunis<sup>16</sup> revealed that “90% of cases are entitled to the requested pension, but that their file was not transmitted to INPS, or that the form had not been properly completed”<sup>17</sup>. In addition, “it takes a year or more for the request to be sent to INPS by the central administration”. The above mentioned social insurance contributors obviously obtained their rights following the intervention of the trade union helpdesk, a demonstration of UGTT-CGIL trade union collaboration.

***c) Surviving dependents of many workers victims of fatal occupational accidents at work finally received their social pension***

Tunisian migrants perform work that exposes them to work-related accidents and occupational illnesses. Indeed, more than half of those entitled to social pensions have been granted disability pension (see figure below). Some workers “died young while working in greenhouses, construction, or the steel industry”<sup>18</sup>. The intervention of the UGTT-INCA trade union helpdesk vis-à-vis social security bodies enabled social security contributors to access their disability benefits.

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<sup>13</sup> INPS database on retirees, consulted in March 2020 (The database is no longer accessible to the public under the Digital Administration Code).

<sup>14</sup> Equivalent to 3966 out of 4389 pensioners (according to INPS data, 2018).

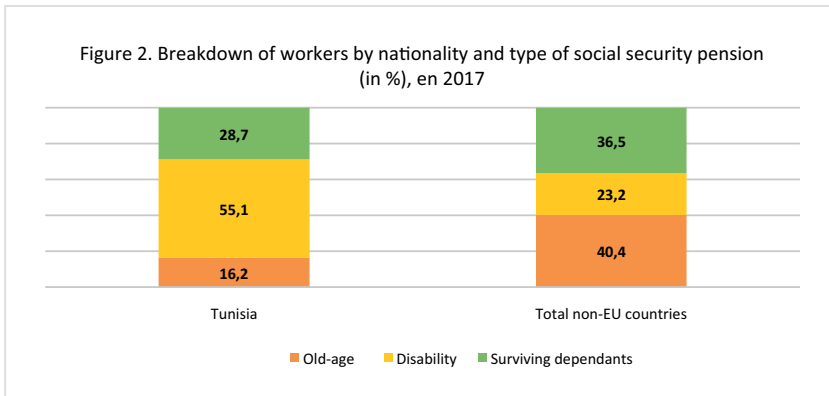
<sup>15</sup> INPS data, 2017.

<https://www.inps.it/webidentity/banchedatistatistiche/extpens/index01.jsp>

<sup>16</sup> The office has the right to access the INPS database to investigate the case of a social insurance contributor.

<sup>17</sup> Interview with Mustapha Aouini, op. cit.

<sup>18</sup> Ibid.



**Data source:** Ministero del Lavoro e delle politiche sociali. *Rapporto comunità tunisina in Italia* (Ministry of Labour and Social Policies. Report on the Tunisian community in Italy). 2018.

## INTERNATIONAL TRADE UNION COOPERATION HELPS TO PROMOTE DECENT WORK FOR TUNISIAN IMMIGRANTS IN ITALY

In a globalized world, national action is no longer sufficient for the recognition of basic rights. Concerted efforts are essential for migrant workers to organise and fight for their right to decent work and respect throughout their migration. As provided for in their Framework Agreement, the trade union cooperation agreement between UGTT and CGIL facilitates the “*sharing of information, expertise and good practice between Italian and Tunisian Trade Union Organisations concerning the monitoring of the situation of Tunisian workers employed in Italy*”. The Trade Union agenda to foster decent work could develop along the following two lines:

### **a) Calling for the reform of the governance of the National Social Security Fund should be a priority on the UGTT agenda**

With a view to improving performance and efficiency, INPS has gone fully digital and operates entirely online. Communication and internal and external operations are carried out entirely via telematics. Affiliates, companies, and organisations have access to all services directly from home via the Internet or by phone. One of INPS’s main objectives on this matter is to strengthen its image as a transparent organisation, based among other things, on a service charter that aims to ensure clear and intelligible communication of the purposes and methods of accessing services and deadlines for their execution by users. The Single Guarantee Committee (CUG) set up in 2016 is intended to combat corruption and make public services more efficient in order to offer quality public service to

citizens on a daily basis<sup>19</sup>. At the start of 2018, INPS launched the “New Business Intelligence System” project which aims at establishing an information system that would process huge amounts of data to detect and intercept potential fraud risks, and identify fraud<sup>20</sup>. The presence in Italy of service-oriented trade activism which, with the support of the State plays an advisory and intermediation role between workers and social security bodies helps to ensure optimum recognition of workers’ rights in Italy<sup>21</sup>.

In contrast, governance of the public social security body in Tunisia is totally different. It is dominated by the government, with the social partners only playing an advisory role. The National Social Security Fund is not accountable to social security contributors in terms of the satisfaction of their needs as recognized by the Tunisian-Italian Social Security Convention. It is therefore hardly surprising that its central administration and regional offices are *de facto* violators of workers’ rights. Workers, surviving dependents, and orphans of deceased workers perceive the delays in processing files, and lack of counseling and assistance in the face of complex administrative procedures as stonewalling by the authorities with the aim to dissuade them from submitting their claims.

***b) Strong trade union participation by Tunisian immigrants in Italy is an asset to ensure the sustainability of trade union cooperation in a manner that promotes decent work for all***

Our study on employment, working conditions, and trade union participation of Tunisian workers in Italy helps UGTT to target its trade union cooperation for the benefit of the latter<sup>22</sup>. The strong trade union participation by Tunisian immigrants<sup>23</sup> is an asset in the fight for decent work for Tunisians throughout Italy and in every economic sector in which they work. Tunisian Trade Unionists are active in northern<sup>24</sup>, central and southern Italy, and in the sectors of an economy where Tunisian immigrants are employed, i.e. the agriculture and

<sup>19</sup> Refer to INPS Committee mission statement. Single Guarantee Committee (*Comitato Unico di Garanzia*). <https://www.inps.it/nuovoportaleinps/default.aspx?sPathID=%3b0%3b46865%3b50111%3b&lastMenu=50111&iMenu=11&iNode=50111&p4=2>

<sup>20</sup> INPS. New Business Intelligence System (*Nuovo Sistema di Business Intelligence*) <https://www.inps.it/nuovoportaleinps/default.aspx?itemdir=52284>

<sup>21</sup> In Italy, trade unions have been entrusted with the management of missions of general interest carried out by *patronati*. These bodies which mission is to help people comply with administrative formalities (pensions, children’s allowances, accidents at work...) bring trade unions into contact with a large number of Italians and foreign workers. INCA, set up by the CGIL, fills this role.

<sup>22</sup> Ben Sedrine Said. Employment, working conditions, and trade union participation by Tunisian migrant workers in Italy. Friedrich-Ebert Foundation. Friedrich Ebert Foundation PROMIG-FES regional project series (2017-2020), No. 6/2020.

<sup>23</sup> The unionisation rate of Tunisian employees is 52%, including branches of all Italian trade union confederations, which is higher than the average rate in Italy (35%). Author’s calculations (see Ben Sedrine Said, 2020. *op. cit.*)

<sup>24</sup> This region receives 59% of Tunisian immigrants.

the agri-food industry, construction, business, metallurgy, tourism, and other services (see table below).

They could be mobilized in the fight against fraudulent and coercive recruitment practices that subject migrants to forced labour and human trafficking, against indecent pay practices that expose migrants to the risk of in-work poverty, and also to address the issue of occupational accidents and illnesses to which Tunisians are exposed, as shown by the high proportion of disability pensioners.

The decision was taken in 2017 to extend the target population of the UGTT-CGIL Trade Union Framework Agreement to all Tunisian workers, in addition to seasonal agricultural workers is relevant as it enables trade union action to respond more closely to the realities of the Italian labour market. The potential clout of Tunisian trade union resources in Italy equips the two Trade Union Confederations to meet this challenge. By creating Trade Union structures designed to serve Tunisian and Italian migrant workers, the UGTT-CGIL trade union collaboration strengthens their transnational Trade Union countervailing power with added resources for the promotion of migrant workers' rights.

**Table. Breakdown of Tunisians affiliated to the CGIL in April 2019**

Trade Union Federations	Size	%
<b>FLAI</b> is the agricultural and agri-food industry workers' union	2720	<b>27,8</b>
<b>SPI</b> is the Trade Union responsible for organising and protecting retired workers and surviving dependants	2013	<b>20,6</b>
<b>FILLEA</b> is the Union of workers in the construction industry and allied production industry, wood, forestry and furniture, building supplies, cement, lime and plaster, bricks, concrete, stone and by-products	1476	<b>15,1</b>
<b>FILCAMS</b> is the trade, tourism and service workers' Union	1128	<b>11,5</b>
<b>FIOM</b> is the metalworkers' Union	795	<b>8,1</b>
<b>FILT</b> is the transport workers' Union	492	5,0
<b>FILCTEM</b> represents employees in chemicals and pharmaceuticals and crafts, textiles, clothing and footwear, rubber, plastics, glass, tanning and leather, ceramics and tiles, industrial laundries, lights and displays, energy (oil, gas transport, mining) and utilities (electricity, water, gas)	364	3,7
<b>FP</b> is a public service workers' Union	308	<b>3,1</b>
<b>NIDIL</b> represents the interests of (former) temporary and atypical workers	222	2,3

Trade Union Federations	Size	%
SLC represents communication sector workers	72	0.7
DISOCCUPATI (unemployed)	70	0.7
Other activities	70	0.7
FLC represents intellectual workers (schools, universities and research)	38	0.4
FISAC represents bank and insurance workers	25	0.3
<b>Total</b>	<b>9793</b>	<b>100</b>

*Source : CGIL-Italy database consulted in April 2019.*

## CONCLUSION

The Italian quota system for the introduction of a foreign workforce is provided for in Law No. 40/1998. Since then, the government has devised entry quotas for foreign workers on Italian territory for employed and self-employed labour. Quotas are reserved for seasonal agricultural and non-agricultural labour. States who signed labour agreements with Italy are given preferential status. This applies to Tunisia. An employer wishing to hire foreign workers must submit a nominative request. The Ministry of Interior then publishes a list of accepted requests. On that basis, workers obtain an entry visa. Once they have arrived in Italy, they get a permit for a maximum period of nine months, depending on the duration of the work contract. Upon completion of the contract, workers are required to return to their country.

Limitation of the residence period to the job, and the injunction to return to their home country when the contract ends encourage dependence and subjugation by employers. Moreover, the provision has been abused in many ways, including the swindling and exploitation of migrants by the mafia-like informal outsourcing system known as “caporalato”. Shortfalls in the achievement of decent work suffered by Tunisian migrants are not limited to the first stage of their migration or to the time spent working in Italy. Migrants also face difficulties accessing social rights to which they are entitled under the Tunisian-Italian Convention regarding social security during their temporary stay in Tunisia or upon retirement, which results from the incompetence of the local National Social Security Fund.

The creation in Tunisia of an ad hoc structure for the protection of Tunisian migrant workers' rights marks the inception of a service-oriented trade union activism articulated around militant trade union action by UGTT while converging its strategy with that of the CGIL in an effort to promote equitable migration. The development of their inter-union collaboration along the two lines recommended above aims at optimizing the mobilization of their combined trade union power throughout the migration of Tunisian migrant workers in

order to achieve the set objective, and thus promote the sharing of their good trade union practices.

The organizational model of UGTT's, dominated by the trade union participation of public sector employees is therefore, an obstacle to the advancement of trade union participation of other categories of workers, and to the sustainability and the efficiency of trade union cooperation between Italy and Tunisia. UGTT must therefore take up the challenge of launching a project aimed at renewing its organizational model toward greater legitimacy of the Trade Union Confederation as a representative of all workers in Tunisia (national and foreign)<sup>25</sup>, and of Tunisian workers abroad. In that perspective, "service-oriented trade union activism" and "militant trade union action" will complement and strengthen each other.

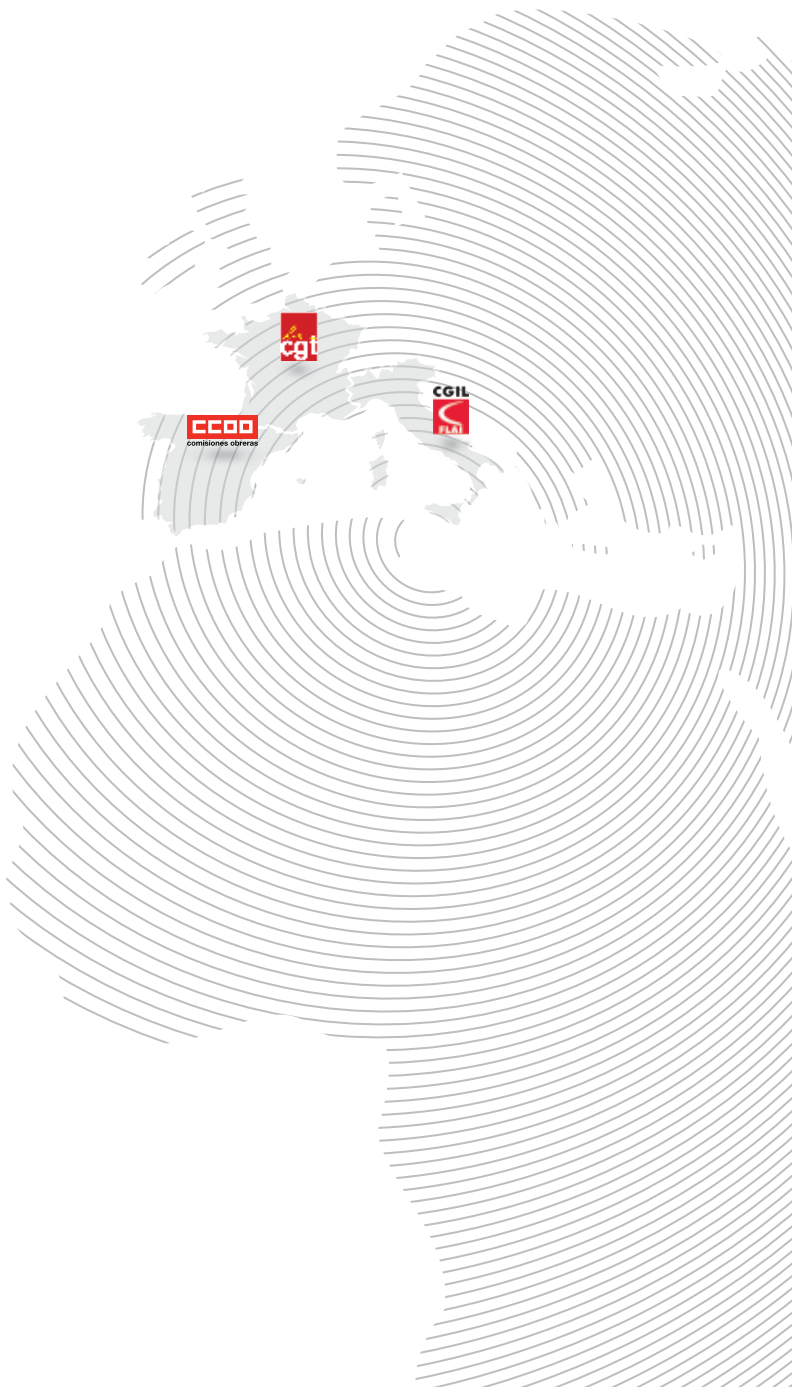
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<sup>25</sup> Cf. Ben Sedrine Saïd (dir) et Amami Mongi. Le renouveau syndical, pilier de l'avenir du travail décent en Tunisie. Ed. Friedrich Ebert Stiftung, mai 2020.



# EUROPE

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# THE SITUATION OF MIGRANT WORKERS AND CC.OO'S INTERVENTION FRAMEWORK FOR AGRICULTURAL SEASONAL WORK IN SPAIN

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José Antonio MORENO DÍAZ

## INTRODUCTION

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Spain is a country with a considerable tradition of intensive and extensive agricultural production, predominant in some Autonomous Communities. Historically, the domestic workforce covered the sector's needs. However, the disengagement from agriculture caused by poor working conditions induced internal mobility between different seasons, and, finally, the recruitment of foreign labour force.

Ignorance of the Spanish employment framework and poor conditions in the agricultural sector, and the socio-labour status of foreign workers, demand constant trade union monitoring to protect foreign workers' rights. Despite trade union involvement, the implementation of social dialogue mechanisms, and national institutional structures for cooperation, observation and monitoring, achieving laws regulating working conditions - in the areas of wages, safety and hygiene - represents a significant challenge for a sector that is not very receptive to improvements.

While exposing Spain's human rights challenges in the agricultural sector, this article will highlight trade union actions to support seasonal migrant workers, particularly vulnerable from a multi-stakeholder, sectoral, and gender perspective. It will also focus on the measures taken and the resources mobilized by the Comisiones Obreras, CC.OO (Trade Union Confederation of Labor Commissions)<sup>1</sup>. At the end of the article, we will consider a set of proposals that aim to promote the rights and working conditions of seasonal migrant workers in Spain.

## WORKER MOBILITY IMPOSED BY DEVELOPMENT

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In the 1990s, Spain's agricultural labour market was characterised by uneven regional economic development. The geographical areas with the highest production capacity and low unemployment rates lacked workers to cover specific periods of their production, especially in the agricultural sector.

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<sup>1</sup> Comisiones Obreras is the largest Trade Union in Spain in terms of the number of members and delegates elected during union votes.

<https://www.ccoo.es>

Harvesting and other specific agricultural work led to the unrestricted movement of male and female workers who could not be accommodated by the jobs on offer, either because they moved at inappropriate times or because the number of workers was much larger than was needed. The places where these workers settled could not handle the flow of arrivals, and the social and health services were overstretched, leading - in some cases - to their collapse.

It was necessary to align the workforce requirements from agricultural employers in the production regions with the number of workers willing to move from their home regions. This enabled to prevent a massive flow of workers and worker shortages, and to facilitate more responsible working conditions.

Given the demonstrated need to incorporate foreign workers into the agricultural sector, a dialogue was initiated in 1997 between Spain's General State Administration, social actors (the sectoral Federations of the Workers Commissions and the General Union of Workers and professional agricultural organisations), and the Spanish Federation of Municipalities and Provinces to manage internal migration flows during the seasonal employment periods. It resulted in the first Framework Agreement in 1999, with an additional protocol detailing the roles of the different stakeholders.

This protocol includes new clauses whose objective is to anticipate any difficulties in relation to labour requirements. To this end, it has introduced the option of offering work to foreign workers in their countries of origin, once the possibility of recruiting Spanish, EU, or foreign workers legally resident in Spain has been exhausted. The agreement acknowledged that the demand for primary sector work had - year after year - led to an increasing number of workers traveling from their countries of origin. It was therefore necessary to establish a common framework for the analysis and planning of labour needs in the sector, locate the workforce, prepare, and arrange for their proper integration to the work. The clauses in the protocol already established the procedure to be followed regarding the working conditions of the workers, their number, the contract duration, a minimum guarantee period of continued activity, travel arrangements and payment, and employers' obligations to their workers.

## THE INSTITUTIONALISATION OF THE TRIPARTITE SOCIAL DIALOGUE ON LABOUR MIGRATION

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In 2004, the government proposed to proceed to an in-depth reform of the regulatory framework governing immigration in Spain, with the revision of the so-called "*ley de extranjería*" (law on the status of foreigners). This reform has initiated a social dialogue model on labour migration that has been maintained with all governments to this day: a tripartite relationship between the government, Employers' Organisations and Trade Unions.

The regulations provide a specific system for the recruitment of foreign seasonal workers, defining the concept and the hypothetical tasks to be carried out, and establishing certain obligations for employers:

- The obligation to organise the worker's journey between their country of origin and the place of employment, paying the cost of at least one of the trips, either arrival or return.
- The obligation to provide them with decent accommodation.

Workers must return to their country of origin in Spain when their work has been completed.

Moreover, the experience accumulated while implementing the Additional Protocol over seven years resulted in the adoption in 2006 of the Agreement for the Management, Coordination and Socio-Labour Integration of Labour Flows for Seasonal Agricultural Work<sup>2</sup>. In 2007, the Directorate-General for Immigration of the Secretary of State for Immigration and Emigration of the Ministry of Labour and Social Affairs also signed partnership agreements with the Sectoral Federations of Trade Unions to align their operations under that framework. The agreement stipulates that the following are considered migrant workers: Spanish, EU citizens, resident foreigners with authorisation to work, and non-resident foreigners recruited in their home country. All tasks to assist, manage, monitor, and supervise the migration labour flow of seasonal workers from Spain, the EU, and/or third countries, are administered under different resolutions and ministerial orders, which continue to regulate the migration of Spanish, EU or non-EU citizens, who regularly enter in Spain for work. There is a series of rules, regulations, procedures, rights, and duties that regulate migration flows, with specific content for seasonal agricultural work. However, greater coordination from government agencies and more technical, human, and economic resources are needed to operate the means available and make them more efficient. It appears that specific updates are still necessary, together with the political determination to enforce them.

### A SECTOR CHARACTERISED BY "THE LAW OF THE JUNGLE"

This was found to be the case in Lleida, in Aragon in the region of Zaidín in 2017, in the garlic harvest in Albacete on other dates, on farms in Badajoz, where the inspectorate found children working in the fields, specific cases of labour exploitation and violations of workers' rights, in the harvesting of citrus fruits in the Community of Valencia, where wages equivalent to 50% of those stipulated in the collective agreement were being paid, the overcrowding of workers

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<sup>2</sup> Endorsed by the most prominent Trade Union Organisations: the UGT and CCOO, the professional agricultural organisations, this time the OPA (ASAJA, COAG, and OPA), the Spanish Federation of Municipalities and Provinces (FEMP in the Spanish acronym) and by the Ministry of Labour and Social Affairs.

at the grape harvest in Castilla la Mancha and other issues. The above are all specific examples of situations that need to be overcome. We also have the most recent events reported from the strawberry and red fruit fields in Huelva, which confirms that we cannot continue to allow a number of irresponsible agricultural employers to do so much damage to the sector, by not complying with agreements and regulations, committing fraud, engaging in unfair competition and exploiting workers.

In this regard, it should be noted that when the Ministry of Labour announced a specific pilot plan for the Labour Inspectorate in the agricultural sector in spring 2020, the business sectors was extraordinarily hostile. This is despite the fact that, in the same year, very frequent cases of exploitation, slavery, human trafficking, and violations of workers' rights were discovered<sup>3</sup>. These practices are connected to the characteristics of the sector: the large number and size of the farms, their dispersion, the social security system, the labour relations framework, the working methods, the temporary nature of the jobs, the organizational weakness of the occupational Trade Unions, and the OPAs (Professional Agricultural Organisations), etc. The abovementioned elements are examples of what can occur on any farm.

Thus, the Trade Unions in the first instance, but also the Congress of Deputies, European accreditation agencies, independent reports from NGOs, the ILO, the Ministry of the Interior Work Group for fight against Labour Exploitation, have reported a labour relations framework in the agricultural sector where the "law of the jungle" prevails: there is unfair competition between agricultural entrepreneurs and small farmers based on unacceptable wage devaluation, and working conditions in terms of employment and occupational health standards which are unacceptable in 21<sup>st</sup> century Spain.

The situation is covered increasingly frequently in the media, showing Dantean scenes of labour exploitation and overcrowding of workers, in the face of which it is impossible to remain unmoved. Moreover, this is taking place in a context of numerous, very serious and diverse episodes of non-compliance with labour standards and agreements, clear cases of labour exploitation, social security fraud, violations of workers' rights, reported cases of harassment and violence against women on farms within our country.

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<sup>3</sup> Patricia Gallo. Cuando la explotación laboral mata: la muerte de un temporero (When labour exploitation kills: the death of a seasonal worker). *Hay derecho - Expansión*, Madrid, 12 Septiembre 2020.

<https://hayderecho.expansion.com/2020/09/12/cuando-la-explotacion-laboral-mata-la-muerte-de-un-temporero/>  
See also:

<https://elpais.com/noticias/jornaleros/>

<https://elpais.com/espana/2020-06-30/detenidos-14-empresarios-agricolas-en-granada-acusados-de-explotar-a-sus-trabajadores.html>

[https://www.abc.es/espana/castilla-la-mancha/abci-detenidos-cuatro-empresarios-albacete-tras-12-inspecciones-202008201139\\_noticia.html](https://www.abc.es/espana/castilla-la-mancha/abci-detenidos-cuatro-empresarios-albacete-tras-12-inspecciones-202008201139_noticia.html)

<http://www.lamardeonuba.es/detenido-un-empresario-agricola-por-tener-trabajadores-migrantes-trabajando-en-su-finca-en-situacion-irregular/>

The above is taking place as we witness unprecedented growth in recent years, of the productivity in the agricultural sector and the food industry, with spectacular export figures. However, in no case do these levels of economic growth encourage employers to promote a better redistribution of the wealth generated by the enormous sacrifices of workers.

It translates into labour relations that are conditioned by the dominant position of large-scale distribution. The ultimate expression of this being the mechanism for setting prices from the top-down, selling at a loss and unfair competition, which affect the weakest links in the chain, namely the farmers and, above all, the salaried employees. Moreover, the lack of political will to reform the primary sector from a global and strategic point of view, to enforce current legislation, to eradicate anachronistic social, labour and social security regulations, reinforce the vulnerability the agricultural sector workforce while increasing the power of the employers.

#### SPECIFIC PROPOSALS FROM COMISIONES OBRERAS

Comisiones Obreras has formulated a series of proposals to improve the current labour relations framework in the agricultural sector, including the specific nature of seasonal work, considering that this issue cannot be deferred any longer, given its strategic importance to the Spanish economy.

The proposals developed and submitted for debate in our Trade Union Organizations constitute short, medium- and long-term strategies and require a broad consensus. They also demand firm political leadership from the different government agencies to be applied urgently.

Short-term proposals:

- To boost the work of the Provincial Commissions responsible for the Monitoring of Migration Flows - monitoring bodies at the local level - by deploying all the functions and competences set out in the Framework Convention, and progressively extend their establishment to other provinces, and/or Autonomous Communities to facilitate alignment in the field.
- To improve public services on health, social security, immigration services, social services, police, and so on, in the regions receiving migrant workers. On this matter, it is essential to reinforce close relationships with the Spanish Federation of Municipalities and Provinces.
- To i) build technical, economic, and human resources to combat labour exploitation and trafficking, through information exchanges between the social security agency and other bodies of the General State Administration; ii) detect fraud in the declared working days; iii) train officials to do the work; iv) strengthen the Labour Inspectorate with actual presence in the field during the seasonal employment period.

- To update the Framework Convention on the Management and Coordination of Economic Flows of Labour Migration by strengthening support mechanisms (health, social, administrative) and draw up protocols for action in the event of incidents or issues of any kind.
- To provide adequate funding for the social intermediary and intercultural mediator position with a gender and knowledge of languages perspectives; the intermediary roles being the responsibility of Trade Union representatives.
- To make training in equality mandatory for managers, team leaders and operators.
- To comply with equality law in all its provisions through equality measures and plans, prevention, and action protocols for sexual and gender-based harassment cases.
- To strictly comply with immigration laws on the recruitment procedures, to ensure priority access to job offers goes to citizens from Spain, EU, and resident foreign workers with authorization to work.
- To participate in meetings between Unions and selected workers to advise them and inform them about the socio-labour conditions and social services in the places where they will carry out their activity.
- To ensure greater rigor in monitoring compliance by employers with the conditions and safeguards regulating the Collective Management of Recruitment in the country of origin.
- To facilitate the unrestricted, real, and actual presence of the Trade Unions to the farms to carry out the tasks assigned in the Framework Convention for the Management and Coordination of Migration Flows regarding socio-labour advice and information, and to check the conditions of the accommodation provided to them.
- To provide financial resources to improve, renovate and, where necessary, build new accommodation that can meet the demands of internal and external labour migration flows.

## MEDIUM AND LONG-TERM PERSPECTIVES AND RECOMMENDATIONS

The situation as observed by all the social agencies in the agri-food sector and condemned by the Unions have had unacceptable and shameful consequences for the whole sector, leading to significant reputational damage for our country in the international arena.

At Comisiones Obreras we are in favour of contracting in the countries of origin under the terms, conditions, and guarantees outlined above, but this exceptional situation cannot become the rule, and especially given such high

levels of unemployment in the agricultural sector in Spain. We are witnessing a strategy from agricultural employers who permanently complain that there is no agricultural workforce for the primary sector and continue to demand an increase in recruitment at the source. However, the proposals and initiatives from the same employers discourage local, EU, or foreign workers legally resident in Spain, from taking up work in the agricultural sector. The fact that Spanish workers are leaving to take up agricultural work with fresh flowers in the Netherlands, fruit in Belgium, and fruit and grape harvesting in France says it all.

This situation creates anachronistic business practices where groups of workers who meet particular conditions are targeted to maximize profits: in short, employers seek to recruit at the source because of the greater vulnerability of these groups due to various factors and circumstances (their status as foreigners, gender, unfamiliarity with the language, cultural differences, diversity of nationalities, personal determining factors in selection at the source, dispersion and distance from the farms, accommodation in hostels, etc.).

Significant reforms are needed to make real and effective changes to the current labour relations framework in the sector, to reduce levels of job insecurity, to promote better stability and quality in employment, to bring up the volume of undeclared work and offenses relating to the unlawful dismissal of workers, to end the fatalities from occupational accidents (e.g., due to tractor rollover) and to ensure compliance with collective agreements and occupational health and safety standards<sup>4</sup>.

Therefore, to implement more far-reaching reforms than those based on legislative amendments, Comisiones Obreras believes that it would be advisable to create an Inter-ministerial Commission between the Ministry of Labour, Migration and Social Security and the Ministry of Agriculture, Fisheries and Food with the participation of the social agencies. This Commission will use as a basis the motion approved by the Congress of Deputies on the 12th of June 2018<sup>5</sup> regarding the living and working conditions of seasonal workers in the agricultural sector in Spain.

From this perspective, the Trade Unions set out the following major proposals for the medium and long term:

- Recognition by the Ministry of Agriculture, Fisheries, and Food of the same level of interaction and participation in the representative bodies

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<sup>4</sup> Non-compliance with collective agreements due to the conduct of unscrupulous employers is not acceptable, and the OPAs (Professional Agricultural Organisations) should be required to guarantee compliance with collective agreements before their constituents.

<sup>5</sup> See motion following an urgent appeal regarding the living and working conditions of seasonal workers in the agricultural sector in Spain, Congress of Deputies, Madrid, the 31st of May 2018.

[http://www.congreso.es/backoffice\\_doc/prensa/notas\\_prensa/60235\\_1528810970418.pdf](http://www.congreso.es/backoffice_doc/prensa/notas_prensa/60235_1528810970418.pdf)

Session log of the Congress of Deputies, 2018 (specifically from page 42):

[http://www.congreso.es/public\\_oficiales/L12/CONG/DS/PL/DSCD-12-PL-128.PDF](http://www.congreso.es/public_oficiales/L12/CONG/DS/PL/DSCD-12-PL-128.PDF)



of this Ministry to the UGT-FICA, CCOO-INDUSTRIA and the Professional Agricultural Organisations.

- Establishment of a mandatory written contract in labour relations in the agricultural sector.
- Normative adoption of the permanent seasonal contract adapted to the sector to improve access to unemployment benefits, and promotion of contracts in the agri-food sector.
- Extension of the Agricultural Insurance coverage to losses among agricultural workers due to causes beyond their control (weather incidents, food crises, etc.)
- Integration of special social security schemes into the general regime aimed for all purposes, for both contributions and benefits (fruit and vegetables, fresh tomatoes for export).

## CONCLUSION

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Working conditions need to change in the agricultural sector to make field-work attractive, encourage people to settle in rural areas, enhancing the value of the agricultural sector and people, their modernization, and improving their income and quality of life.

For many years, Comisiones Obreras has been at the forefront of all proposals on the supervision of migration labour flows and improved of working conditions, the monitoring and calculation of working hours, travel, shelters, and accommodation, etc. Besides, Comisiones Obreras must remain at the forefront to demand compliance with collective agreements and the various labour regulations that promote better living and working conditions for all the workers represented.

In the context of the COVID-19 pandemic, it is important to address exceptional emergencies, especially in support of migrant seasonal agricultural women workers in Spain. In January and February 2020, just over 7,000 female Moroccan workers travelled to Spain for the strawberry and red fruit harvest season in Huelva under the collective framework management of recruitment at the source for seasonal work. As a consequence of the border closure by Moroccan authorities, some of these women could not return to their homes once after the completion of their work.

Despite the opening of several diplomatic channels with the Moroccan government, with the participation of Trade Unions<sup>6</sup>, to establish a temporary «window» at the border to enable these women to return to their families,

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<sup>6</sup> Comisiones Obreras sent a letter to the Kingdom of Morocco's Ambassador to Spain seeking the exceptional opening of the border.

the discussions have been unsuccessful, causing a rapid deterioration of the humanitarian situation<sup>7</sup>.

At the same time, we have witnessed the reiteration of the same rhetoric from agricultural employers regarding the overwhelming need for foreign labour following the lockdown announcement in March 2020. The number of requests made informally and broadcasted via a wide range of media and information outlets was for around 150,000 workers when, for example, the official figure for the 2018-2019 season was 18,975 authorisations<sup>8</sup>.

In both cases, this approach clearly reflects the extreme commodification of the labour force in the sector, calling for the involvement of the Unions in the country of origin and the country of destination. In setting out the framework for intervention and regulation of Spanish Trade Unions, this paper consolidates the range of actions by RSMMS member Organisations to protect the rights of all workers, both foreign and domestic.

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<sup>7</sup> Agricultural organisations have thus provided the option of continuing to use the accommodation beyond the termination of their activity.

<sup>8</sup> Source: State Secretariat for Migration for the GECCO programme.



# FIGHTING FOR THE RIGHTS AND RECEPTION OF “UNDOCUMENTED” WORKERS IN GENERAL CONFEDERATION OF LABOUR (CGT) TRADE UNIONS

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Marilyne POULAIN

## INTRODUCTION

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France is not the only country that has labourers in “irregular situations” – workers without a work permit. They are found on all continents, treated differently by the States<sup>1</sup> – and everywhere, this reality serves the same purpose: to allow these workers to be exploited. The obstacles to obtaining legal status force migrants to work off the books – with no legal protection or rights. Strikes in France in the early 2000s triggered negotiations with the State. In 2012, a circular<sup>2</sup> specifying criteria for regularisation was drafted; the annex of which was revised in 2018<sup>3</sup>. These documents increase the chance of “undocumented” workers being allowed to reside in France through work – and specify the requirements.

For the General Confederation of Labour (CGT), undocumented workers are workers like any other, and just like all workers, the Trade Unions should be made available to them. To foster these principles, both departmental and local Unions must have sustainable reception facilities where undocumented workers can meet with Trade Unions and Federations. Their know-how gained in earlier struggles helps them to organise solidarity among workers.

There are two ways for migrant workers to be regularised. The first is to file individual applications, strictly following the criteria in the circular. The second is the collective submission of files during a strike when a labour dispute enables derogation from the criteria set out in the circular.

Each regularisation is a battle with no foregone conclusion – whether within the strict application of the circular or by derogatory procedure won through the strike. The main challenge is convincing undocumented workers to organize, initiate collective actions, and strike for their rights.

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<sup>1</sup> The most visible examples are undocumented Latin American workers in the United States, workers from the Indian sub-continent in Gulf countries, Palestinian workers in Israel and rural workers without permits in China.

<sup>2</sup> Circular No. NOR INTK1229185C, also known as the “Valls” circular: “Re: Conditions for the examination of applications for residence submitted by foreign nationals in irregular situations under the provisions of the Code on the Entry and Residence of Foreigners and the Right to Asylum”. Paris, 28 Nov. 2012.  
<http://circulaires.legifrance.gouv.fr/index.php?action=afficherCirculaire&hit=1&r=44486>

<sup>3</sup> The revision consisted in updating the Frequently Asked Questions - FAQ.

This article describes the CGT approach, working methods, and successes in organizing and getting undocumented workers regularised in France. It aims at sharing experiences with members of the RSMMS<sup>4</sup> and highlights the importance for Unions to change the regulatory framework while ensuring its enforcement.

### Immigration Statistics for France

In 2019, according to the National Institute of Statistics and Economic Studies (Insee)<sup>5</sup>, 6.7 million immigrants, or 9.9% of the total population (67 million), were living in France; 2.5 million (37 percent) of these immigrants have become French citizens. The foreign people living in France<sup>6</sup> thus amounts to 4.9 million people, i.e., 7.4% of the total population. According to the Ministry of the Interior (provisional data for 2019)<sup>7</sup>, France has issued 274,676 residence permits. The majority of these permits were granted mostly for family reasons (90,068), to students (90,006), with significantly fewer permits given for humanitarian (36,276) and economic (38,671) reasons.

Concerning irregular immigrants, it is, by definition, impossible to obtain conclusive figures. Statistics from the state medical assistance, which provides free access to health care to irregular migrants, show 318,016 beneficiaries as of 31 December 2018. However, the actual number of undocumented people is likely to be higher as many of them do not make use of the assistance, which is still submitted to conditions<sup>8</sup>.

## WORKERS LIKE ANY OTHER!

Contrary to popular belief, workers in irregular situations have inalienable rights and even if they were hired unlawfully, their employers have obligations – stated in Law No. 81-941 of 17 October 1981. Pursuant to Articles L8252-1 and 2 of the Labour Code, even workers without work permits are considered to be regular employees as regards the rules on leave, working hours and breaks, health and

<sup>4</sup> Mediterranean Sub-Saharan Migration Trade Union Network.

<sup>5</sup> Insee Population Estimates 2019 (in French, on the number of immigrants and foreigners in France). <https://www.insee.fr/fr/statistiques/3633212>

<sup>6</sup> All «persons who reside in France and do not have French nationality», according to Insee.

<sup>7</sup> Ministry of the Interior, Statistics on Immigration: The key figures, 12 June 2020. <https://www.immigration.interieur.gouv.fr/Info-ressources/Etudes-et-statistiques/Statistiques/Essentiel-de-l-immigration/Chiffres-cles>

<sup>8</sup> To benefit from state medical assistance (AME) you have to prove your identity and permanent residence and satisfy the means test. <https://www.ameli.fr/assure/droits-demarches/situations-particulieres/situation-irreguliere-ame>

safety at work, wages and compensation to which (undocumented) workers may be entitled at the end of their contracts.

However, the existence of these rights and the “Valls” circular do not prevent an increasingly harsh exploitation of their labour force. Undocumented workers are mostly undeclared or work under “aliases”<sup>9</sup>. Their insecurity makes them more vulnerable to abuse. Often forced to work beyond regular hours, they are an exploitable labour force and are subjected to undignified working conditions. Union experience shows that these foreign workers do the most arduous “3D” jobs: “dirty, dangerous and demanding”. They are mainly employed in sectors that cannot be relocated, such as the hotel industry, catering, construction, cleaning, security, personal assistance, logistics, waste collection and sorting – very often in subcontracted or temporary jobs, statutes that make it difficult to clearly distinguish between the service providers and the principals. They are very often discriminated against in their workplaces and are assigned the most painful and dangerous tasks precisely because of their origins and irregular situations. On 17 December 2019, for the first time in France, and with the support of the Defender of Rights (Défenseur de Droits)<sup>10</sup>, the CGT was able to prove systemic racial discrimination in the construction industry<sup>11</sup> before a labour court in Paris – Droit ouvrier – avril 2020 – Dossier « Affaire du chantier de Breteuil » (Labour law, April 2020: “About the Breteuil building site case”).

## PERMANENT RECEPTION CENTRES TO INSTILL AND SUSTAIN FUNDAMENTAL PRINCIPLES

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The CGT cannot bring itself to distinguish between wage-earners based on their status and nationality. It demands equal rights for all workers – “equal pay for equal work” – and the unrestricted right to work without the need for exclusive legal subordination for each migrant on French territory, regardless of their status (both asylum seekers whose cases are pending and those who have been rejected, as well as undocumented, seasonal and posted workers). The CGT refuses that the residency status of workers be linked to a single employment contract and to a single employer (and their goodwill), making the employee vulnerable and disposable. Most of these workers are unlikely to find CGT representatives at their workplace, and even if they do, defending their case before the prefecture requires monitoring and intervention of the CGT’s departmental Union<sup>12</sup> in cooperation with the Trade Union and/or the sector.

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<sup>9</sup> Their administrative situations force many workers to borrow residency permits from third parties to be able to work.

<sup>10</sup> An independent constitutional body responsible for defending the rights of citizens.

<sup>11</sup> Construction, public works.

<sup>12</sup> Departmental Trade Union structure.

In the light of this situation, the CGT makes all its organisations and tools<sup>13</sup> available to undocumented workers to facilitate their reception. Welcoming them means doing everything possible – collectively – to gain respect for their rights and get them regularised. These reception centres already exist in many departmental Unions both in the provinces and throughout the Paris region. Workers must be directed to local reception centers<sup>14</sup> and additional centres should be established with help of the Confederation. The Confederation's contact person must systematically redirect workers to local reception centres to have their applications prepared, and also oversee their unionisation and the submission of their applications, and so on.

Experience shows that having a permanent information desk in the local Union allows workers to find the help they need concerning regularisation, working conditions and rights, and so forth. It is also key for building the balance of power through collective action. To better defend these workers' interests and prevent their isolation, the CGT recommends that they join the Union. However, like for any other employee, membership, should not be a prerequisite for Union support and intervention. Otherwise, we would be sliding towards a "service trade unionism" which may suggest that paying a membership fee is all it takes to obtain a residence permit. Such an approach would induce a passive attitude for the workers, who would perceive the Union as an intermediary between them and government agencies.

The CGT also refuses to have a "Union for migrants" which would contradict its principles and objectives, namely the unity of the workforce. For migrant workers to have their full place in the CGT, company Unions and labour pools have to be created. Class solidarity must be the driving force, as parallel operations only lead to isolation. For the same reasons, the CGT does not charge workers when preparing their applications for regularisation. Furthermore, it should never be implied that membership in itself makes regularisation possible or protects against deportation.

## THE REGULATORY FRAMEWORK IN FRANCE AND ITS ENFORCEMENT

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Strikes led by thousands of undocumented workers won them new criteria for regularisation. Even if the current standards are restrictive and need to be further improved to achieve equal rights, these texts can be enforced to assert the rights of our undocumented comrades and obtain the regularisation of their legal statute.

The 28 November 2012 circular governing exceptional admission to residence, set out in Article L313-14 of the Code of Entry and Residence of Foreigners and

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<sup>13</sup> Trade Union Guide.

<sup>14</sup> See the CGT network across the country:  
<https://www.cgt.fr/actualites/la-cgt-pres-de-chez-vous>

the Right to Asylum (CESEDA) and the updated FAQs of 24 April 2018 specify how to enforce this circular. The criteria are listed as follows:

*To obtain a one-year residence permit for an “employee”*

**3 years in France**

- + 24 pay slips (more than 75 hours/month)
- + CERFA 15 15186\*03 “Foreign Employee Request for Authorisation”
- + Permanent contract<sup>16</sup> or 12-month fixed-term contract<sup>17</sup> with a monthly minimum wage<sup>18</sup>) filled in by the employer
- + Certificate of concordance (if working under another identity).

**5 years in France**

- + 8 pay slips (more than 75 hours/month) over the last two years
- + CERFA 15186\*03 “Application for a work permit for a foreign employee”
- + Permanent or fixed-term contract for 12 months with a minimum monthly wage filled in by the employer
- + Certificate of concordance (if working under another identity).

*To obtain a one-year residence permit for an “employee”*

**For temporary work**

5 years in France

- + 910 hours in temporary employment in the last 24 months (including 310 hours in the company that will complete the CERFA)
- + CERFA 15186\*03 (permanent or fixed-term contract for 12 months with a minimum monthly wage or commitment by the Temporary Work Company to provide 8 months of assignments / Training over 12 months) completed by the employer
- + Certificate of concordance (if working under another identity).

**Without a CERFA**

7 years in France

- + 12 pay slips (more than 75 hours/month) over the last 3 years

*To obtain a 4-month receipt authorizing to work (renewable for 3 additional months), or a 6-month receipt authorizing to search for work, it is necessary to produce a permanent, fixed-term, or 12 months CERFA - with a monthly minimum wage.*

<sup>15</sup> Centre for registering and revising administrative forms (in France). A CERFA is one of the forms developed by an administration operating in a given field.

<sup>16</sup> Open-ended contract (CDI).

<sup>17</sup> Fixed-term contract (CDD).

<sup>18</sup> Minimum wage (SMIC).



The circular also provides for special cases that give Unions additional leverage:

- > *The case of “aliases”:* Their irregular situations force many migrants to work using residence permits lent by third parties. This period of work can be taken into account as seniority of employment in the context of regularisation if the employer establishes an attestation or certificate of concordance.
- > *The case of self-employed:* Over the past decade, governments have increasingly contributed to the vulnerability of workers and the creation of new forms of exploitation, as is the case with self-employed. In June 2020, the strike by more than 200 undocumented bicycle delivery workers from the Frichti company highlighted this new form of precariousness. It finally resulted in the acknowledgment of a lack of modalities for the regularisation of this category of self-employed workers. These new situations and job types make our demand for regularisation based on simple proof of the labour relations more relevant than ever.
- > *Undeclared work:* Prefectures may consider other evidence of the labour relations besides pay slips (see Appendix). Although prefectures prefer the so-called “official” evidence – letters from the labour inspectorate and labour court rulings – they may take into account other types of evidence.
- > *Undignified working conditions/human trafficking:* In situations of very extreme exploitation and criminal proceedings (as a result of employee complaints, reports, Article 40 of the Labour Inspectorate, etc.), human trafficking or working conditions contrary to human dignity (abuse of vulnerability) could be invoked to obtain the protection and regularisation of employees who are victims of employers (e.g., the hairdressers at Château d’Eau) by referring to Articles L316-1 or L313-14 of the Code on the Entry and Residence of Foreigners.

But individual action has its limits. Without a balance of power, some prefectures do not apply the criteria listed, and without a balance of power, it is impossible to obtain regularisations that override the circular.

## COLLECTIVE ACTION AND BALANCE OF POWER TO “WREST” RIGHTS IN THE LIGHT OF THE REGULATION AND ENFORCEMENT LIMITS

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Since 2006, many struggles have been won through strikes and the occupation of workplaces. Beyond obtaining legal status for workers, they have enabled to consolidate and/or restore workers’ rights (regular contracts, resumption of seniority, recovery and payment of leave days, improvement of working conditions and so forth), and achieve regularisation measures that override various texts.

It is crucial to anticipate and prepare ahead of time the action with all CGT organisations.

- **Anticipate that employers will try and question the right to strike** by denying the subordinate relationship and the labour relation (employee/ employer). Such attempts, if not anticipated and contested, can lead to the conclusion that workplaces are being illegally occupied by persons who are foreign to the company. To secure the right to strike, it is, therefore, necessary to collect in advance, evidence attesting to the labour relation (photos, text messages, bank transfers, checks, timecards, badges, etc.). The labour relation can also be verified ahead of time by the labour inspectorate.

One example of this was the CGT Temporary Workers Union v. Synergie decision regarding undocumented temporary workers' right to strike even when they have no contract (Paris Court of Appeals, Division 6 - Chamber 1, 12 April 2010, No. 09/22358).

- **Good preparation also allows countering the employer's systematic recourse to the police** (gendarmes or police officers) and the judiciary (bailiffs or court orders) always to contest the right to strike. Under these conditions, it is important not to hide the real identity of the strikers. It may be necessary to take advice from lawyers working with the CGT.
- **In case of undignified working conditions and/or accommodation**, it is advisable to plan the collective action with the relevant government agencies (the Labour inspectorate and the Central Office to Combat Illegal Employment, OCLTI).
- **Anticipate the logistics** and prepare individual applications for regularisation. Activists are needed to centralise the administrative, financial/strike fund, and legal files, to organise picket lines<sup>19</sup> (meals, overnights, sanitary facilities, etc.), and other tasks.
- The workers are the lead actors in the struggle, the CGT is their instrument: It's the workers who decide, build their demands, negotiate, respond to the press, and so on. The struggle is a moment when workers learn about Trade Unions, and when newly arrived migrants acquire the fundamentals of French labour law. The strikers must be visible.
- Legal tools (labour court/criminal court) can be mobilised.
- **The signing of end-of-dispute agreement protocols**, including the improvement of working conditions, employer support for the regularisation procedure, continuity of the current contract (with an amendment on work under aliases, ensuring seniority and paid vacations), and collective agreement enforcement.

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<sup>19</sup> Picket line: strikers meet in and around the workplace.

**Obtaining from employers, the documents needed for regularisation (CERFA, attestation of concordance, etc.) is one step. But the victory, however, is when the government decides to issue undocumented employees with residence permits that authorise them to work.**

## CONCLUSIONS

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It is not immigrant labour that lowers wages but rather the rules of global capitalism that engineer competition between workers and dictate competitiveness, profitability, precariousness, and seek to reduce or deny the rights of all. In view of the interests of financial markets and employers, and the alignment of the decision-makers with their interests, working-class unity is more than ever relevant. To gain and guarantee new rights for undocumented workers is to strengthen the rights of all workers.

The experience that CGT activists have gained over the years confirms that undocumented workers are not necessarily going to turn to the CGT. Moreover, their precarious situation forces them to sometimes make themselves invisible, or to avoid talking with the Union in the workplace. It is therefore important to reach out to them and try to find out more about their personal and work history. This may involve setting up times for discussion wherever possible – where they live, eat and relax – and perhaps organising appointments with Trade Unions and departmental and local Unions outside of work, including during the weekends. In some localities, it may be possible to complement the work of progressive associations who assist migrants.

The exchange of Trade Union experiences on the protection of migrant workers enriches Union know-how. The RSMMS, of which the CGT is a founding member, constitutes a space for dialogue and confluence for Unions on both shores of the Mediterranean, and enables to leverage cooperation and solidarity in new ways. For example, in July 2018, the GCT organized a training course at the Benoit Frachon Centre<sup>20</sup> for Tunisian General Labour Union (UGTT) officers in charge of migrant workers, in cooperation with the PROMIG project (Friedrich Ebert Foundation's project on migration), and the International Labour Organization (ILO) within the framework of its Integrated Programme on Fair Recruitment (FAIR). The training was a platform that enabled to cover in detail, various aspects addressed in this article – regulations, Trade Unions and the protection of migrant workers, reception and communication links, and the setting up and organization of reception centers for undocumented migrants. Although conditions differ from one country to another, we have a common goal and say as one:

**They work here, they live here, they stay here!**

**Rights for all workers!**

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<sup>20</sup> Is a CGT Trade Union training centre located in the Chevreuse valley, forty-five minutes from the heart of Paris.

## APPENDIX

**The methods of proof of the labour relation are prioritised in the circular as follows:*****Official documents:***

Letters from the Labour Inspectorate in response to an individual request from an employee on the results of the Labour Inspectorate's factual findings (see Annex 1, standard letter from the Labour Inspectorate to establish proof of the labour relation).

Labour Court judgments may also be taken into account.

***Documents that enable traceability:***

Mainly cheques or bank transfers that show salary payments. These items must have been recorded over a period of time and formally establish the relationship between the sender and the receiver (especially the provision of bank statements). The documents must also establish traceability between the employer and the employee. For this reason, if the applicant claims to have been paid in cash, including in a legal manner, but does not establish the origin of the money, the evidence will not be considered.

***These other types of evidence are solely intended for labour inspectors*** (see details regarding the standard letter from the labour inspectorate).

These types of additional evidence of the labour relation are always provided in addition to pay slips when a significant number of slips are produced.

However, goodwill may be shown to employees who produce only official documents, supplemented, if necessary, by cheques and/or bank transfers to justify their previous working hours, when these elements together are sufficient proof.



# SENEGALESE TRADE UNIONS CAPITALIZE ON ITALIAN TRADE UNION EXPERIENCE FOR BETTER PROTECTION OF MIGRANTS: FLAI-CGIL/CARISM TRADE UNION CARAVAN

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Fabio DE BLASIS

## INTRODUCTION

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FLAI-CGIL (Federation of the Agroindustry Workers affiliated at the CGIL) has been fighting for decades to defend the rights of migrant workers in Italy, particularly against the exploitation of labour in agricultural production of which about 30% are migrants, (FLAI-CGIL, 2018). The “trade union caravan” implemented in Senegal draws on the experience developed in Italy by FLAI as part of its broad strategy to protect migrant agricultural workers. The caravans are essentially a trade union practice of proximity with migrants, in the places where they work, in the places they frequent, or where they live.

This article analyzes the innovative experience of cooperation between the Italian General Confederation of Labour (CGIL) and five Senegalese Trade Unions grouped in the CCSS/CARISM platform, an inter-union structure created in 2013 as part of the setting up process of the Mediterranean Sub-Saharan Migration Trade Union Network (RSMMS). The experimentation of “street Unions” (*sindacato di strada*), is a model that was successfully conducted in Italy by FLAI-CGIL to bring Trade Unions closer to the agricultural sector migrant workers. This voluntary approach of Unions towards workers has thus been replicated in Senegal to allow Senegalese Unions to better understand the living and working context of migrants and to establish and consolidate relations with the communities they belong to.

In the first part, the article gives an overview of immigration in Senegal, paying particular attention to labour migration and the defense of migrants’ rights by Trade Unions, with the legislation in force as a backdrop. The second part of the paper is devoted to the context of the experience, its translation in the field, and the results obtained so far.

The article is based on an analysis of secondary data and interviews conducted between June and July 2020 with representatives of immigrant communities, and Trade Union Confederations in Italy and Senegal<sup>1</sup>.

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<sup>1</sup> Specifically, interviews were conducted with six representatives of immigrant associations (from Guinea, Mali, Sierra Leone, and Mauritania), a national CGIL representative, two members of INCA/CGIL-Dakar, and five members of CARISM (one for each Senegalese trade union confederation).

## IMMIGRATION TO SENEGAL

Senegal is a hub of mobility and a mixture of populations of diverse origins. Contemporary population movements largely emanate from long-standing migratory processes rooted in the social, economic and political history of West Africa sub-region (Amin, 1974; Amselle, 1976). Labour migration partly finds its origins in the development of cash crops inherited from colonization (Thomson et Adloff, 1958 ; Fall, 2011)<sup>2</sup>. After independence in 1960, economic growth and political stability had made Senegal more a country of immigration than emigration, with the 1970-71 National Demographic Enquiry (EDN) revealing a foreign-born population of 272,000 (6.9% of the total population). It was during these years that political unrest in some neighbouring countries led many migrants to settle in Senegal (Baldé, 1976; ASND & IOM, 2018). Over the last decades, encouraged by the creation of ECOWAS, migration between West African countries, especially labor migration, has increased and diversified considerably (Arthur, 1991; Adepoju, 2003; Flahaux & De Haas, 2016). Despite a decline in the immigrant population between the 1980s and the 1990s and increased emigration<sup>3</sup>, Senegal remains a host country and a privileged destination for West African populations. According to the 2019 UN estimates<sup>4</sup>, over the past twenty years, the immigrant population residing in Senegal has begun to increase again, from 231,901 in 2000 to 275, 239 in 2019. The same source shows that Guineans (53,438) constitute the largest and most stable community of foreign origin<sup>5</sup>, followed by Mauritanian nationals (46 518), with many refugees since 1989<sup>6</sup>, Mali (35,383)<sup>7</sup>, Guinea-Bissau (30,570), Sierra Leone (15,463), and France (14,367). Data also indicate that women account for 47% (129,243) of the immigrant population, in the Sub-Saharan average, reflecting the growth of female labour migration in the continent (Atoyebi, 2018). According to the latest population census (ANSD, 2014), the majority of female immigrants

<sup>2</sup> From 1946 to 1958, Senegal received between 40 000 and 45 000 seasonal workers every year at the time of the groundnut harvest (Thomson et Adloff, 1958).

<sup>3</sup> Causes of emigration include the economic crisis that has affected the country since the 1980s. Over the last decades, Senegal has increasingly become a country of destination, transit and departure at the same time. In 2015, there were 586,870 Senegalese abroad, 45,9% in Europe and 45,5% in Sub-Saharan Africa (United Nations database, POP/DB/MIG/Stock/Rev.2015).

<sup>4</sup> United Nations, Department of Economic and Social Affairs. Population Division (2019). International Migrant Stock 2019 (United Nations database, POP/DB/MIG/Stock/Rev.2019).

<sup>5</sup> Guinean migration has intensified since the 1960s with the crisis and political isolation of the country. The majority belong to the Peul ethnic group which originates from the highland regions of Labé and Pita (Soumah, 1981; Baldé, 1976).

<sup>6</sup> The census shows that refugee populations in Senegal are overwhelmingly made up of Mauritians, with a total of 13,729 individuals, or a proportion of 94%.

<sup>7</sup> The Malians come from migratory flows fostered by the Dakar-Niger railway and a common political history with Senegal. The Malian community is essentially made up of Soninke populations from the upper Senegal valley and Bambara population from the Kayes region.

live in the Dakar region (57%), followed by Ziguinchor (6,7%) and Kolda (6,1%)<sup>8</sup>. This foreign presence is mainly made up of young people of working age: the 15-34 age group accounts for 51% of the immigrant population. The same source indicates that the majority of foreigners are uneducated (59,2%), compared to 15,3% with primary education, 14,6% with secondary education, and 10,9% with higher education. The census also shows that 35% of the resident foreign population is employed, students and children (0-14 years of age) accounting for 14% and 21%, respectively (ANSD & IOM, 2018). Overall, it should be noted that the high incidence of informal, transit, circular and seasonal migration makes plausible the presence of many migrants (and migrant workers) in Senegal who are not included in the censuses<sup>9</sup>. Representatives of the immigrant communities interviewed, in particular, Sierra Leoneans, Mauritians, and Guineans, pointed out that there has been an increase over the past decade in the number of young transit migrants working in Senegal to save up money to finance their departure to North Africa and Europe.

## OVERVIEW OF IMMIGRATION POLICY AND LEGISLATION IN SENEGAL

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Senegal has ratified most of the international conventions for the protection of Human Rights, including the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW; 1979)<sup>10</sup>, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), and the United Nations Convention against Transnational Organized Crime (2000) with its protocols against human trafficking (The Palermo protocols) and the smuggling of migrants. It should be noted that Senegal has not ratified two key ILO conventions on migrant workers' rights: the Migration for Employment Convention (No. 97), and the Convention on Migrations in Abusive Conditions and the Promotion of Equal Opportunity and Treatment of Migrant Workers (No. 143)<sup>11</sup>.

Even today, there is no policy in Senegal on migration, although a national policy is being developed to fill this gap. Senegal is a signatory to the ECOWAS Protocols which guarantee freedom of movement, residence, and establishment between 16 West African countries<sup>12</sup>. Although the protocols call on the member states

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<sup>8</sup> The census also indicates 268,000 immigrants by birth (Senegalese born abroad and returned in Senegal) and 199,261 immigrants of resident nationality in Senegal (foreigners born in other countries and residing in Senegal) in 2013.

<sup>9</sup> The President of the Guinean community has estimated the number of Guineans in Senegal at 1.2 million.

<sup>10</sup> Recently, Law No. 2020-05 of 10 January 2020 criminalizing rape and pedophilia was introduced with a provision on harassment and indecent assault.

<sup>11</sup> Furthermore, Senegal has not ratified the Violence and Harassment Convention (No. 190).

<sup>12</sup> The right of entry and residence allows ECOWAS citizens to enter member state territory without a visa for a period of up to 90 days provided they are in possession of travel documents and an international health certificate. The right of residence and establishment implies equality of treatment between immigrants and



to harmonize their legislation, Senegal has no specific legislation in this regard. The legal framework on immigration is deficient in several respects, such as a lack of information on the period of validity of residence permits and the status of long-term residents or nationals of ECOWAS member states (ICMPD & IOM, 2016). The 1997 Labour Code provides for equal treatment between national and foreign workers in terms of rights and obligations, with the only restriction being the exercise of leadership functions in a Trade Union<sup>13</sup>. The Labour Code also provides for the possibility of a subsequent legal provision aimed at “prohibiting the employment of foreigners in certain positions or levels of qualification” in order to guarantee full employment of the national workforce (Art. L 224)<sup>14</sup>. As far as social security is concerned, the only restriction for the foreign worker is related to cases where he or she adheres to a code governed by other legislation<sup>15</sup>.

The Senegalese civil society expressed its concerns regarding the effects of Law No. 2005-06 on the fight against human trafficking and similar practices which stipulate that clandestine migration by land, sea, or air is punishable by 5 to 10 years of imprisonment, and a fine of 1,000,000 to 5,000,000 FCFA. According to the *Civil Society Shadow Report on the Senegalese government’s compliance with its obligations under the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families*<sup>16</sup>, and considering the lack of clarity in definitions and terms used - the law is in contradiction to regional and sub-regional commitments made by Senegal as a member of ECOWAS and supports the criminalization of migration with the adoption of a security and repressive approach, adhering to European border outsourcing policies<sup>17</sup>. The interviews with representatives of immigrant communities confirmed that migrants in transit, in particular, are afraid of the authorities and often do not regularize their situation due to the general climate of intolerance and repression of irregular migration. Many migrants - even those who have been living in Senegal for a long time - do not have a residence permit and remain in an irregular situation which exposes them to labour exploitation. The interviewed communities also stressed the difficulty in accessing health services as one of the

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nationals with regard to access to economic activities, including the right to set up and manage businesses, salaried work, social, cultural, and health services.

<sup>13</sup> Only foreigners who have lived in Senegal for more than five years have the right to exercise administrative and managerial functions.

<sup>14</sup> This provision has not been enacted yet (ICMPD & IOM, 2016).

<sup>15</sup> This is what emerges from the analysis of the following laws: Law No. 73-37/1973 on the social security code, Law No. 75-50/1975 on social insurance, Law No. 91-33/1991 on the transformation of the Social Security Fund into the Social Insurance Institution.

<sup>16</sup> The report (2010) is available on [https://www.fidh.org/IMG/pdf/Senegal\\_RappAltCMW\\_nov2010\\_FR-1.pdf](https://www.fidh.org/IMG/pdf/Senegal_RappAltCMW_nov2010_FR-1.pdf)

<sup>17</sup> Senegal has been actively cooperating with the EU on border management. The EU allocated a budget of 347 million euros to Senegal from the European Development Fund for 2014-2020. Senegal is also one of the main beneficiaries of the EU Emergency Trust Fund for Africa, amounting to 170,9 million euros until 2020. [https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad/senegal\\_en](https://ec.europa.eu/trustfundforafrica/region/sahel-lake-chad/senegal_en)

major problems during their stay in Senegal, as immigrants are subject to higher taxation than Senegalese citizens.

### THE INFORMAL SECTOR, A COMMON DENOMINATOR FOR MIGRANTS

No institutional data is available on the work performed by immigrants in Senegal. Discussions with representatives of immigrant communities confirm that labour immigration in Senegal is a complex phenomenon encompassing temporary and seasonal migration flows, permanent and long-term movements, as well as short-term cross-border movements. Overall, the immigrant population is particularly engaged in small businesses (and services in general) in the cities. Significant numbers of migrants are also involved in cross-border trade, harvesting of agricultural products (in particular in the river valley), fishing, and mining. Migrants of the same nationality often tend to work in the same market niches. Guineans, for instance, play a major economic role in the fruit and vegetable trade, in laundry and urban transport (cab drivers, private buses and minibuses drivers), with a small minority of better-qualified workers employed as cooks in luxury hotels, accountants or engineers. Mauritians are also strongly involved in trade and retail sales<sup>18</sup>, with a small minority working as Arabic teachers in private schools. Malians are frequently employed in the cola nut industry and in handicrafts. Many Malians and Sierra-Leoneans work in construction sites, in the fishing sector, and particularly in the Port of Dakar as dockers<sup>19</sup>. Migrants hailing from Guinea-Bissau commonly specialize in the palm oil and/or wine trade, the handicraft weaving of loincloths, and the painting of buildings. Female migrants also tend to occupy certain niches such as domestic work, hotels, restaurants, street food sales, and the artisanal processing of certain products. Malian women specialize in selling painted articles in the markets of Dakar and collecting salt in the salt pans of the Lac Rose. Mauritanian women are involved in the leatherwork, while Sierra-Leonean women are specialized in hairstyling. Traditionally, female international migration flows were dominated by female students and women who left to join their already established spouses. In addition, there has been an immigration of single, active, and autonomous women seeking better economic and social status.

The common denominator of all these migrations is the informal sector where migrant workers operate. Despite recent economic growth<sup>20</sup>, the low supply of formal job opportunities has significantly contributed to make the informal

<sup>18</sup> Prior to the Senegal-Mauritania conflict (1989), Mauritanian traders had almost full control over retail commerce with a network of shops established in every region. Mauritians have since been replaced by Guineans.

<sup>19</sup> Port workers who load and unload cargo.

<sup>20</sup> Senegal experienced four consecutive years with growth rates superior to 6% between 2015 and 2019 <https://data.worldbank.org/country/SN>

sector the main sector of economic integration of the working-age population in Senegal. Data from the National Agency of Statistics and Demographics (Recensement Général des Entreprises - ANSD), 2017 shows that 97% of non-agricultural economic units operate in the informal sector, with informal units providing 62,2% of the total workforce (ANSD, 2016). The informal sector is present in almost every branch of the economy encompassing a diversity of situations in terms of sector activity, income, working conditions, needs and opportunities (DPEE, 2018)<sup>21</sup>. However, the fact remains that most workers are exposed to a significant risk of a decent work deficit.

By definition, no informal salaried worker is covered by a social welfare institution such as the Social Security Fund (Caisse de Sécurité Sociale - CSS), the Retirement Pension Insurance Institute of Senegal (Institut de Prévoyance Retraite du Sénégal - IPRES) or the Health Insurance Institutions (Institutions de Prévoyance Maladie - IPM). Women, youth, and the least educated migrants work into low-skilled jobs and are the most vulnerable. They are the most exposed to labour exploitation and to degrading living conditions, especially if they don't have valid documents. The absence of social protection is compounded by low wages; more than two-thirds (71%) of informal sector business owners report a turnover of less than 100,000 FCFA francs per month, and more than half of employees in the informal sector (51%) - outside agriculture - earn less than 37,000 FCFA per month (BIT, 2020)<sup>22</sup>. The situation is particularly critical among women, with 78% of women earning less than 37,000 FCFA per month compared to 42% of men. Informal work often involves excessive working hours, with 73% of workers working more than 40 hours per week and 55% working more than 48 hours<sup>23</sup>, and with high health risks for these workers, most of whom have no protection whatsoever. Finally, informal sector workers, and especially migrants, are very poorly represented in Trade Union Organizations (on average, only 2% of informal workers are trade union members). Overall, interviews with Senegalese Trade union representatives essentially reveal that migrants' membership in Trade Unions is still very low, with a minimal presence almost exclusively in the agricultural sector. As a result, the vast majority of male and female workers are not sufficiently protected legally or socially, despite the existence of informal mediation practices based on family ties and social networks.

<sup>21</sup> The formal sector accounted for 41,6% of GNP and 39,8% of national production (DPEE 2018).

<sup>22</sup> Monthly minimum wage (SMIG) as measured at the 2016 General Business Census (RGE) was 36 243 West African francs.

<sup>23</sup> Labour legislation in Senegal stipulates a 40-hour workweek.

## INTERNATIONAL TRADE UNION COOPERATION: A BASIS FOR IMPROVED DEFENSE OF MIGRANTS' RIGHTS IN SENEGAL

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Mainly since the mid-2000s, the defense of emigrant's rights, opposition to the increased criminalization of international migration and promotion of safe migration have been the subject of particular attention by Senegalese Trade Unions affiliated to the ITUC (International Trade Union Confederation). More recently, the creation of the Mediterranean Sub-Saharan Migration Trade Union Network (RSMMS) at the international level and the Senegalese inter-Union platform (CARISM) at a national level have marked an evolution in the commitment and ownership of Senegalese Trade Unions on the issue of migrant workers' rights in Senegal. CARISM is the technical arm of the Coalition of Senegalese Trade Union Confederations (CCSS) - composed of CNTS, CNTS-FC, CSA, UDTs, and UNSAS - on migration issues. The setting up of this trade union platform started the day after the Workshop on the project on the creation of the RSMMS which was held on 7 and 8 October 2013 in the premises of the Friedrich Ebert Foundation's Dakar Office. CARISM is therefore aligned with the strategy of the Trade Unions Organizations affiliated to the ITUC- and RSMMS- to act together in an effective and coordinated manner at the national, regional and international levels, to prevent further deterioration of working and living conditions of migrant workers, and to fight against all forms of discrimination, racism, and xenophobia. CARISM aims, among other things, to contribute to the defense of migrant workers and of their families, to work towards the development of an effective migration policy in Senegal, to push for a national plan and a formal framework for consultation with the participation of all stakeholders (State, employers, workers' unions, migrant associations, civil society, international partners), and to contribute to the ratification and effective implementation of specific conventions on migrants' rights.

CARISM is engaged in awareness-raising, orientation, and social dialogue activities with immigrant organizations and communities in Senegal, who are also invited to the platform's monthly meetings. According to CARISM representatives interviewed, international trade union cooperation, particularly the membership of RSMMS, plays a major role in increasing the internal skills of Senegalese Trade Union Confederations, increasing their political and social visibility, knowledge of working and living conditions, and consolidating the process of forging closer ties with migrants<sup>24</sup>. However, Senegalese Trade Unions still need to deepen their knowledge of the context, to identify the needs, and to develop strategies to reach out to immigrant communities, essential steps for the planning of future interventions.

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<sup>24</sup> CARISM members participated in the definition and in writing the technical document on national migration policy (which, has not been politically validated yet).

It is in that context that CGIL has developed a cooperation strategy essentially based on a better knowledge of the realities faced by migrants. Trade union cooperation between CGIL and the Senegalese organisations is rooted in the presence of large numbers of Senegalese migrants in Italy<sup>25</sup>. In fact, INCA-CGIL Employers' Organization in Senegal has been present in Dakar since 2000. INCA (*Istituto Nazionale Confederale di Assistenza*) was established on 11 February 1945 at the first CGIL congress. Its mission is to defend the rights of all Italian citizens, including those residing abroad, in matters of social security, health and welfare at work, occupational accidents and diseases, and social benefits. Over the years, in the countries where it is present<sup>26</sup>, INCA started to provide assistance to returning migrants and those who intend to leave for Italy (entry visas, administrative procedures for family reunifications, etc.), in collaboration with local Trade Unions. Cooperation between FLAI-CGIL (Federation of Workers in the Agroindustry affiliated to the CGIL) and CNTS has existed for over a decade, with various training initiatives and exchange on migration issues, including an annual training academy for young Senegalese trade union activists.

Since its creation in 2013, CARISM has become CGIL's privileged interlocutor for trade union cooperation on migration issues. This cooperation was reinforced and materialized by an Inter-Union Memorandum of Understanding (MoU) signed in Dakar on 7 July 2017 during the final FLAI conference at the training academy at Gorée Island. With this MoU, CGIL and CCSS/CARISM not only shared the principles and values oriented towards the defense of migrant workers' rights, but also endorsed an action plan for the implementation of concrete measures for the following next two years: (i) to hold an annual two-day training and exchange of experience workshop on migration, with a sub-regional dimension and the participation of focal points from the neighbouring countries of the RSMMS (Morocco, Mauritania, Ivory Coast, Mali) and the ITUC-Africa, and (ii) the experimentation of the "street unions/trade union caravan" model, replicating in Senegal a trade union practice used by FLAI-CGIL in Italy to reach out to migrants. The MoU was renewed in January 2020, this time including a new partner, an NGO called NEXUS Emilia-Romagna, with an international cooperation project entitled "SeneSecure" and co-funded by the Emilia-Romagna Regional. In addition to pursuing the trade union caravans, the project expands the scope of action to include complementary research activities and a support fund for the development of income-generating activities.

<sup>25</sup> As regards Europe, the preferred destinations for Senegalese migrants are France (117 870) and Italy (84 815), which together receive 75% of Senegalese people living on the European continent (United Nations, Department of Economic and Social Affairs. Trends in International Migrant Stock: Migrants by Destination and Origin, POP/DB/MIG/Stock/Rev.2015).

<sup>26</sup> In Africa: Tunisia, Morocco, and Senegal.

## IMPLEMENTATION OF THE FLAI-CGIL CARAVANS IN SENEGAL

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In the Italian context, the trade union caravan was created to respond to the Trade Union's difficulties in reaching out to migrant workers. After several years of existence, the experience has borne fruit highlighting problems related to exploitation, illegality, and violation of the most fundamental human rights. The caravans also proved to be a very important tool for the unionization of migrant workers and the integration of migrants into the Union, some of whom, after a long and arduous journey, now hold leadership positions within the organisation. During the exchange and experience-sharing activities carried out in recent years between FLAI-CGIL and CNTS/CARISM, the weakness of relations with migrant communities and the difficulties to reach out to migrant workers were identified as the main problems hindering trade union action in Senegal. From this finding and shortcoming arose the idea of experimenting the trade union caravan model in the Senegalese context, with the objective of gaining a better understanding of the living and working conditions of migrants, gaining better visibility among migrant communities, and bringing migrants closer to Trade Unions. The trade union caravan project, which was the subject of an MoU, was developed at every stage with a view to the appropriation and subsequent independent implementation of the practice by Senegalese Trade Unions. The preparatory phase comprised preliminary training activities that took place at the INCA headquarters in Dakar on 5-7 July 2018. INCA-CGIL staff in Dakar and FLAI-CGIL staff coordinated the preparatory work, which involved illustrating the Italian experience and operational methods. The preparatory phase, in collaboration with migrant associations, has provided for the elaboration of an action plan, including "the social mapping" of immigrant communities, through the prospection of sites. At the same time, training was followed by an exchange visit that brought five representatives of Senegalese Trade Unions (one from each Confederation) on a tour of the Italian countryside. This experience enabled the Senegalese trade union delegates to understand and experience the FLAI-CGIL caravan model themselves, as well as reflect on how to apply it in Senegal.

The first caravans in Senegal with CARISM and INCA-CGIL members on board set off on 16 March 2019. From March to June 2019, six caravans provided the opportunity to meet Guinean, Malian, Mauritanian, Sierra-Leonean, Nigerian and Ghanaian communities, passing through several markets and workplaces with a strong presence of migrants, notably the "marché Castor" in Dakar, where many migrants of all nationalities work (with a strong Guinean presence), the tanneries employing Mauritanian women in Guédiawaye, the salt pans of the Lac Rose, the fruit and vegetable market in the village of Noto Gouye Diamo, and the residence and working areas of the Mauritanian refugee community based in Saint-Louis since 1989. During these visits, migrants' problems and demands were heard, including through group discussions. Contact details and information were exchanged and informative leaflets were distributed. The experimentation of the caravan has also facilitated synergies with a pilot project

for the collection of labour data initiated by RSMMS members in several countries of the sub-region, which enabled numerous questionnaires to be administered to migrant workers.

### ***Key findings from the trade union caravans***

Overall, the caravan experience proved to be an effective practice that produced excellent results as regards knowledge of local context and strengthening relations between Trade Unions and migrants. The experience has enabled CARISM members to investigate in the field, i.e. workplaces, markets, migrant residence, and to listen to the daily problems face by migrants. It has also contributed to increasing knowledge on the employment sectors, living and working conditions of immigrants, and to identify their needs.

The following results can be highlighted:

- *Better insight into the transversal needs of immigrant communities.* Many critical cross-cutting issues and conditions were observed in the field such as the difficulty of access to citizenship, health services and housing; the difficulty of obtaining a residence permit for ECOWAS migrants wanting to work for more than three months in Senegal; the difficulty of accessing bank loans and the impossibility of obtaining professional work permits (such as taxi driving licenses) and obstacles to integration for many young migrants in transit who struggle to integrate while trying, full of hope, to save money to finance their journey to Europe.
- *Increased knowledge of working conditions and work-related needs,* including those of female migrants. Many problems were noted with regard to working conditions; many young Guineans, for example, work in small stores with long working hours for very low wages; Malian and Sierra-Leonean workers are exploited in the port of Dakar and in the fishing washes, they live in run-down accommodations and are often denied pay for their work. The caravans also paid special attention to gender issues, while trying to collect information and access the workplaces of female migrants. Many women were found in situations of great vulnerability and exploitation. Examples include young Guinean girls, often minors, who serve food in the markets and are forced to work very long hours without a break; the Malian women who harvest salt in the Lac Rose, exposed to the sun and salt water for many hours for very low income, without any protection whatsoever, leading to a high prevalence of skin diseases; or the Mauritanian women who work with leather in the tannery of Guédiawaye, exposed to toxic products without protection or insufficient protection, at the mercy of intermediaries to sell their products. Relations and exchanges with migrant associations have also shown that some women employed as domestic servants (Mauritanians, Guineans, Malians) are victims of sexual violence and are held in slavery by their employers, while others (Sierra-Leonean and Nigerian) are part of a structured system of exploitation

and prostitution trafficking, especially in mining areas; and some of these women are later transferred by force to Arab countries.

- *Greater social visibility for Trade Unions and strengthened relations with migrant associations.* Other positive outcomes include a better understanding of migrants' problems, the strengthening of existing relations and the creation of new ones with migrants' associations. The five CARISM members interviewed agree that the caravan as an instrument, contributed to making the platform and the Trade Unions visible and be recognized as organizations committed to the defense of migrant women's rights. This is a significant progress in the relations with the trade union world, as confirmed by the members of the migrant communities interviewed, who expressed appreciation of the interest in defending their rights. In this regard, it is important to note that the relations between the migrant associations and CARISM have in some cases continued beyond the experience of the caravan, with some associations attending monthly meetings organized by CARISM and in other annual initiatives such as labour festivals organized by Trade Union Confederations.

In general, the experience of the caravans has impulsed a greater awareness among Trade Unions of the need to work towards the approval of an equitable policy that facilitates access to rights, in particular, those guaranteed by the ECOWAS Protocols; the need to increase Trade Union involvement in the defense and promotion of labour rights, defining specific intervention strategies and paying particular attention to the condition of women; and the need to further involve migrant associations considering them as fundamental interlocutors for the promotion of their rights.

### ***Difficulties and challenges***

The caravan experience has inevitably encountered operational difficulties and there are still challenges to confront. The first major difficulty was faced in approaching migrants in the workplace, who were naturally taken aback by the innovative and "flashy" caravan approach. Moreover, the processing of the questionnaires required collecting personal information about the interviewee which could understandably provoke distrust and an unwillingness to engage during a first meeting. However, the issue was addressed through dialogue, clarifying the objectives of the caravans and the Trade Unions, and did not compromise the effectiveness of the activity.

Another more important problem is the fact that CARISM does not have an office to receive migrants to maintain the new relations and follow up on the needs that have been identified. This resulted in referring migrants to different Trade Union Confederations for future discussions or affiliations. This situation (which FLAI caravans did not face) may have created confusion among migrants as regards the role and nature of CARISM, and unleashed an element of competition among the different Trade Union Confederations. Finally, the



caravan experimentation, which will be repeated as part of the project promoted by NEXUS Emilia-Romagna, nonetheless remains entirely dependent on external funding.

To optimize results, Senegalese Trade Unions should therefore try to own the practice, giving it continuity and consistency, and including it into their broader strategy for reaching out to migrants. The FLAI-CGIL experience shows that reaching out to migrants is a long process that also requires a comprehensive strategy. In this respect, Senegalese Trade Unions and CARISM must put more effort to define the services that can (and cannot) be offered to migrants. Many of the issues and requests formulated by migrants, during or after the experience of the caravans, are difficult for CARISM or Trade Unions Confederations to tackle and resolve. In other words, the biggest risk of an instrument such as the caravan in the Senegalese context is to create expectations that cannot be met, leaving migrants unsatisfied, thereby undermining the efforts to build trustful relations.

## CONCLUSIONS AND RECOMMENDATIONS

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Although Senegal has historically been a country of immigration and remains one of the main destinations for West African populations, the authorities (and, until recently, Trade Unions as well) have paid very little attention to the needs of immigrant workers. Senegal has not ratified two key ILO conventions on the protection of migrants' rights, and does not have a migration policy in place, not even for ECOWAS citizens. However, Trade Union Cooperation is starting to play a significant role in adopting a common strategy and experimenting concrete actions to defend migrant workers' rights. In this process, the creation of RSMMS, at an international level, and CARISM, at a national level, have been important steps in bringing Trade Unions close to immigrants in Senegal. Cooperation between FLAI-CGIL and CCSS/CARISM, in particular through the experience of the caravans - a good practice that can also be replicated in other contexts - has proved to be very fruitful in strengthening and creating new relations with immigrant associations, increasing the social visibility of Trade Unions, and, above all, in understanding the working conditions and problems of immigrants. However, despite these important outcomes, the overall level of participation of migrants in Trade Unions is very low; actions in the field should be continued in order not to compromise the efforts made. In this regard, it is recommended that Trade Unions:

- Replicate and reinforce the caravan and "street Unions" model; the process may be accompanied and supported by external donors, but internal ownership is required from the Unions to improve the mechanism, integrating it into their broader strategy of reaching out to migrants and defending their rights.

- Follow up on and continue reinforcing relations with migrant communities and associations, while working towards a better identification and communication of the services that may be offered (both by the platform and by the Confederations), and possibly plan the opening of a front office for CARISM.
- Continue applying political pressure to advocate for an equitable and rights-based migration policy, and for the ratification by Senegal of the fundamental conventions it has not yet ratified (No. 97, 143, and 190).

More generally, the issue of migrants' rights in Senegal must become an important component of collective bargaining by all the Trade Union Confederations and not by CARISM alone. As shown by the FLAI-CGIL's experience in Italy, the road ahead is long and requires perseverance, but sooner or later the effort will bear fruit.

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