



CCIS

The Center for Comparative Immigration Studies
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The Unconventional Immigration Policy Preferences of Labor Unions in Spain, Italy, and France

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"The lines have been drawn by America's workingmen against the indiscriminate admission of aliens to this country. It is simply a case of the self-preservation of the American working class."

-Samuel Gompers

Samuel Gompers was a founding father of the American labor movement. This quote is from a letter he wrote in the *American Federationist* in 1911.

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"This massive entry of labor is intended to loosen the labor market. In other words, to organize unemployment and permit the bosses to more easily resist the demands of the working class."

-35th Congress of the CGT

Resolution adopted at the 35th Congress of the CGT in the mid-1960s

The top priority of labor unions is to protect their members and negotiate for better wages and working conditions.

Conventional wisdom is: labor unions favor restrictive immigration policies that keep out cheap, flexible immigrant workers, who undercut the wages and working conditions of native workers.

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"Before a phenomenon like migration... the distinction between citizen and non-citizen is false. Discrimination against workers from third world countries adds yet a larger barrier to geographic borders, which are already closed enough. Our promise of international solidarity to all workers means that we cannot be apart."

- Director of Social Action, UGT

From the opening speech at a UGT meeting on Migrant Social Security and the role of unions in the EU, January 1997.

In an increasingly global economy, the conventional wisdom may no longer be appropriate or advantageous for labor unions.

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"The AFL-CIO proudly stands on the side of immigrant workers."

"Regulated legal immigration is better than unregulated illegal immigration."

-AFL-CIO Immigration Resolution

AFL-CIO resolution on immigration, March 2000

What groups make up the unions constituency?

Members of the union

Native workers: natives in primary economy ("insiders") or natives in secondary economy ("outsiders")

Immigrant workers

Workers worldwide

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Research Question:

Why do most French, Italian and Spanish labor leaders prefer more open immigration policies today?

Union attitudes toward immigration have changed over time. Today, most labor leaders prefer more open immigration policies that promote legal immigration over illegal immigration.

What factors explain this change in labor leaders' immigration policy preferences?

Hypothesis 1: Ideology

The problem is not the immigrant worker, but the capitalist system that converts human beings into interchangeable and disposable pieces. We cannot unload frustrations against the weak, but must fight for the security of all. For this we need the participation of everyone, including immigrant workers.

- *Immigration Annual*, Comisiones Obreras

Many labor union leaders share the belief that immigrants are part of the international class struggle, which makes restrictive immigration policies unacceptable.

But, ideology is not a sufficient explanation because it cannot explain changes in preferences over time.

Exclusively ideological arguments produce two dilemmas for unions.

1. Protecting native/unions members vs. workers worldwide
2. Protecting immigrants already present vs. future immigrants

Example: Changing immigration preferences of CGT

1945 CGT supported the Ordinance that allowed for immigration under conditions of equality b/t native and immigrant workers

1947 CGT opposed all immigration to protect French workers against threat of uncontrolled immigration

1969 CGT held a national conference to plan how to defend and organize immigrant workers

1972 CGT opposed the Marcellin Fontanet circulars b/c would place immigrants in a precarious position

1974 CGT supported the temporary ban on new immigration

mid-1980s CGT recognized that supporting the ban was detrimental to their efforts to organize immigrant workers

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Hypothesis 2: Changes in the global economy have shaped labor leaders immigration preferences

"CCOO takes a rational position that immigration will continue despite Spain's efforts to stop it."
- Jesus Gomez, Lawyer, CCOO

Changes in the global economy since the early 1980s have helped shape labor leaders immigration preferences.

Labor leaders see immigration as an inevitable consequence of globalization: improvements in transportation and communication technology that facilitate immigration and spread of global markets to developing countries which spurs migration.

But domestic factors intervene to shape labor leaders immigration preferences differently.

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Hypothesis 2a: Changes in the global economy challenge the capacity of states to effectively control immigration

"Neither the state nor the EU can stop the flow of immigrants to France."
-Francois Srocynski, Chief of Immigration, CFDT

Restrictive immigration policies of the 1980s did not stop immigration. In fact, labor leaders believe restrictive policies contributed to more illegal immigration and placed immigrants in precarious legal and employment situations.

Therefore, labor leaders do not have confidence in the state capacity to control immigration through restrictive measures. And, prefer policies that promote legal immigration over illegal immigration.

Example of restrictive policies that failed

1985 Ley de Extranjeria: regularized 23,000 undocumented immigrants, but after 3 years only 1/3 were still legal due to restrictions on renewing permits and administrative red tape. Also, employer sanctions were poorly enforced b/c inspections done by the Ministry of Labor, not a specialized agency, therefore only employers who commit the worst violations were fined, and no criminal penalties for hiring illegal immigrants.

Hypothesis 2b: Changes in the global economy challenge traditional union organization

Global economic changes challenge traditional union organization (blue collar men and public employees). Unions are searching for new methods of organization and new sources of membership (women, young people, pensioners, immigrants, part-time and temporary workers...)

Lange and Scruggs thesis: unions in low density countries hurt more by globalization.

France: 21.5% unionization in 1970 to 10.2% in 1989

Spain: 45% in 1976 to 10% today

Italy: 33% in 1970 to 33.5% today

Different models for organizing immigrants:

French model = assimilation. Address immigrants' interests w/in the larger framework of workers' interests, which has led to a policy focus on workplace rights, not laws governing entry.

Spanish model = social service. Lack of associationalism in Spain and unions' experience with emigration made them natural social service providers. CCOO - CITE created in 1986 over 100 offices; UGT - Centro Guia with 11 offices.

Grassroots approach has made unions a leading advocate for immigrant in policy-making process and given unions access to state monies. But unionization rates remain low because of free rider problem.

Italian model = parallel union organization. Italy also has weak associationalism and a history of emigration, but unions have focused more on membership. UIL - UNITI (Union Italiani Immigrati, 15,000 members, 1988) and CISL - ANOLF (L'Associazione Nazionale Oltre le Frontiere, 35,000 members, 1989) total immigrant membership in CISL is 70,000. Parallel organizations are seen as a stepping stone to full membership and an educational process in union democracy, which comes from founding principle of anti-communism for UIL and CISL. CGIL rejected parallel organization, but set up Coordinamento Immigrati at confederal level. Unions are active participant in p-m process b/c gov't relies on unions to provide services.

Hypothesis 2c: Changes in the global economy challenge the competitiveness of highly regulated labor markets

Changes in the global economy have contributed to the growth of the secondary and underground economies in Europe. Mass production of 50s and 60s failed to meet challenges of global economic changes in 70s and 80s. Employers who want to avoid labor regulations, taxes and high wages in the formal economy and employing more flexible production methods and cheaper labor.

Spain underground economy makes up 20% of GDP, 5% of workforce is illegal immigrants

France 15% of GDP, 2.5% illegal immigrants

Italy 25% of GDP, 14% illegal immigrants

In Spain and Italy labor leaders believe that legalizing illegal immigrants helps bring part of the underground economy to the surface.

1981-1983 French amnesty was a disappointment for labor leaders b/c the amnesty did not help solve the problem of illegal work. As a result, French labor leaders only support legalization for humanitarian reasons.

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Research Strategy:
Compare changes in labor
leaders immigration policy
preferences over time and space

Choice of cases:

French case allowed me to examine
changes in labor leaders
immigration preferences over time
(pre and post-globalization).
Comparing Spain, Italy and France
allowed me to test union
membership and size of the
underground economy.

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Focus on labor-related
immigration policies

- work permits
- legalization of undocumented
immigrants
- employment-based quotas
- family reunification

I focused on immigration policies
that addressed labor migration.

Work permits: regulate length of
stay, location and residency status

Legalization: granting immigrants
temporary legal status often with
proof of employment

Quotas: employment-based avenue
for legal immigration, which is
usually limited to asylum and family
reunification

Family reunification: contributes to
expansion of labor market and
stabilizes situation of single male
workers.

Measuring the "openness-
restrictiveness" of
immigration policies

- 1 = very restrictive
- 2 = restrictive
- 3 = moderately open
- 4 = open
- 5 = very open

Example: Quotas

VR= no quota

R= highly selective and limited quota for specific category of worker

MO= annual quota set according to labor market needs, bilateral agreement w/ sending state

O= variable annual quota for all categories of workers, open to all countries

VO= no quota ceiling set, unlimited immigration

Example: Work permits

VR= no system of work permits

R= discretion delegated to local police; initial permit one year or less; tied to specific employer; renewals contingent on employment and housing; no permanent residency

MO= discretion of local police and/or labor officials; initial permit one year; employment open; renewals granted for two years contingent on sufficient income and housing; permanent residency after 5-6 years

O= strict guidelines for granting and renewing permits at local level; initial permits granted for 5 years, after five years immigrant can petition for permanent residency

VO= permanent residency status granted immediately

Family Reunification

VR= no family reunification

R= spouses and minor children only; no work permits; two year wait plus proof of income and housing

MO= spouses and minor children only; work permits; one year wait or proof of income and housing

O= unlimited and immediate for spouses, children and other dependents; work permits; no income or housing requirements

VO= no restrictions on family reunification

Legalization

VR and R= no legalization

MO= limited legalization on case-by-case basis

O= legalization for undocumented immigrants who at one time had legal status and can prove employment and housing

VO= general amnesty for illegal immigrants who arrived before a specific date and for employers

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Findings: Labor leaders prefer policies that promote legal immigration

- Long-term, easily renewable work permits
- Legalization of undocumented immigrants
- Fewer restrictions on family reunification
- Legal avenues for employment-based immigration

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Findings: Unions' political influence has helped moderate immigration policies in Spain, Italy and France

Pattern of increasing openness in Spanish, Italian and French immigration policies in 1990s.

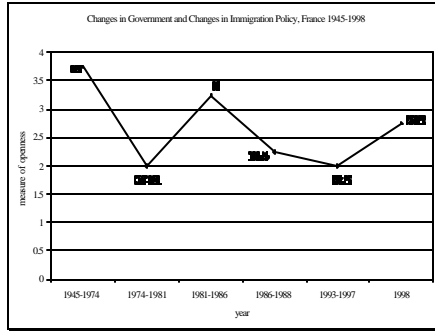
How do unions influence policy-making process?

Formal institutional contacts: provide regular dialogue b/t unions and government officials, but seen as ineffective in influence policy b/c only consultory; examples: CNIPI, Human Rights Commission, OMI, FAS (France); CNEL, National Council for Immigration and Commission for Immigration Flows (Italy); Forum for the Integration of Immigrants (Spain)

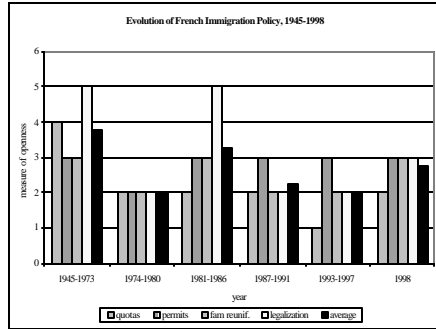
Informal contacts: letters, proposals, petitions, informal meetings; success depends on how much government relies on support of unions

Protest (veto): most successful means of getting immigration onto the governments agenda and influencing change with a conservative government; best example was 1989 union-led protest in Rome (200,000 protestors)

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Changes in French immigration law can be explained by changes in government. However, this socialist party/union/liberalization relationship does not hold in Spain and Italy.



In late 1970s and early 80s, unions helped shape immigration debate and provided a channel for immigrants to voice their concerns to policy-makers.

May 1968 was first time immigrants participated en masse in public protest, unions realized they need immigrants' militancy and immigrants realized they needed unions for representation. Examples: 1973-80 Sonacotra Housing Strikes, 1977 Paris metro cleaners strike, 1979 Malvilles nuclear generator strike, 1980 Lorraine mines strike, organized opposition to Barre Bonnet Laws and Stoleru Decrees

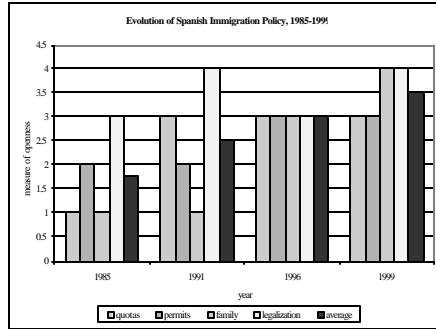
But catalyst for change in policy was the election of a socialist government in 1981 that listened to union demands.... Suspension of deportations, reaffirmed the right to family reunification, creation of 10 year residency permit, amnesty.

1998 Immigration Reform: unions had less influence b/c

1. 1981 immigrants gained right to form their own associations
2. Unions do not represent immigrant workers today who are in precarious jobs or unemployed
3. Growing opposition to immigrants w/in rank and file

Still, unions help shape the debate and address problems faced by immigrants thru broader context of workplace discrimination; example is CGT Tour de France of 1997 which coincided with immigration reform

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1996 Immigration reform:

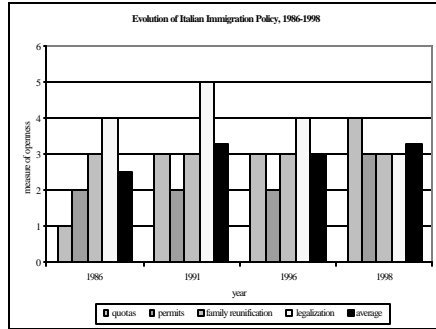
“culmination of a long period of consultations and negotiations with labor unions, non-governmental organizations and immigrant associations” Real Decreto 1996

Unions mounted a campaign to reform the LOE in the early 1990s with local and national protests, informal contact with M of Labor and 1995 immigration conference organized by Gonzalez.

Achievements: new system of work and residency permits with permanent residency after 6 years; many family reunification restrictions lifted; amnesty.

1999 Immigration Law: unions had been lobbying for a new organic law since early 1990s to replace the LOE

Achievements: amnesty and an ongoing regularization mechanism for illegal immigrants in Spain for at least two years; the right to family reunification.



1991 Martelli Law: union-led protest in 1989 got immigration on the government's agenda and unions involved in the policy-making process; unions wanted a more comprehensive immigration law that addressed growing problem of illegal immigration.

Achievements: broad based amnesty that included employers; annual quota system with input from unions.

1995-1996 Dini Decree: center-right government under pressure from anti-immigrant Lega Nord to increase police powers to deport illegal immigrants. Unions led a protest against threat of increased police powers with 150,000 protestors. Final decree revised to include an amnesty and most restrictive aspects dropped.

1998 Immigration Law: Italy under pressure to restrict illegal immigration to become full members of Schengen before April deadline. Unions used a more judicious approach with socialist government in power (relied more on informal and formal contacts). Achievements: new quota system with public sponsor principle and open category for third world immigrants; reduced waiting period for permanent residency to five years.

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Background to AFL-CIO Resolution

- 1986 Immigration Reform and Control Act
- INS strategy of "internal enforcement," re-verification of I-9s, and industry wide enforcement (Operation Vanguard)
- Social Security Administration "no match" letters
- "Memorandum of Understanding" between the DoL and INS in workplace inspections (Operation Buttonhole)

Background to the Resolution

1. Increasing focus by INS on 'interior enforcement' - re-verification of I-9s and industry wide inspections. Examples include the raid on Yakima Valley apple pickers in March 1999 and Operation Vanguard in which the INS took charge of personnel files for every meat packing plant in Nebraska and 3 counties in Iowa.
2. SSA no match letters - SSA informs employer when names don't match SS#
3. Memo of Understanding b/t DOL and INS - DOL refers suspect cases to INS. In case of Operation Buttonhole the INS initiated a series of raids in LA garment industry in response to reports from DOL investigators

All of these strategies hurt union organizing efforts and are frequently used by employers to threaten immigrants who want to organize.

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Background to AFL-CIO Resolution

- California Labor Federation resolved in 1994 that employer sanctions should be repealed
- Resolutions "Defending the Rights of Immigrant Workers and the Right to Organize" by the Labor Council of Alameda County and LA County Federation of Labor
- AFL-CIO National Convention in Los Angeles, October 1999

AFL-CIO Resolution on Immigration,
February 2000

- Amnesty program that would provide permanent legal status to undocumented workers and their families
- Full workplace rights for immigrant workers
- Labor and business should work together to design cooperative mechanisms for employers to satisfy legitimate needs for workers
- Criminal penalties against employers who recruit undocumented workers from abroad
- Replace current system of employer sanctions
- Whistleblower protections for undocumented immigrants
- End expansion of guestworker programs

AFL-CIO resolution in a nutshell calls for repeal of employer sanctions from the 1986 IRCA and a new amnesty.

Eliseo Medina, a union organizer for SEIU, referring to NAFTA said “we are one labor market, absolutely. It’s a reality that’s still difficult for the American public to recognize, but it is a fact.” Dallas Morning News, March 12, 2000.