Opinion on the action programme in favour of migrant workers and their families

The text referred to the Committee has not been published in the *Official Journal of the European Communities.*

A. LEGAL BASIS FOR THE OPINION

On 14 January 1975, the Council referred the abovementioned proposal to the Economic and Social Committee in accordance with Article 198 of the Treaty establishing the European Economic Community.

B. OPINION OF THE ECONOMIC AND SOCIAL COMMITTEE

The Economic and Social Committee prepared its opinion on the above matter at its 134th plenary session, held in Brussels on 29 and 30 October 1975.

The full text of the opinion is as follows:

THE ECONOMIC AND SOCIAL COMMITTEE,

Having regard to Article 198 of the Treaty establishing the European Economic Community,

Having regard to the request for an opinion made by the Council on 14 January 1975,

Having regard to the decision taken by its Bureau on 28 January 1975, instructing the Section for Social Questions to draw up an opinion and a report on the action programme in favour of migrant workers and their families,

Having regard to the opinion issued by the Section for Social Questions on 17 October 1975,

Having regard to the report submitted by Mr Purpura,

Having regard to the discussions at its 134th plenary session held on 29 and 30 October 1975 (meeting of 30 October),

Whereas migration involves some six million workers (only one third of whom are nationals of Member States), and approximately four million members of migrant workers' families;

Whereas migrant workers' problems and those of their families have been the subject of studies and recommendations of international organizations, such as the ILO, the Council of Europe and the OECD; whereas these organizations have adopted international instruments that are of relevance to the action programme;

Whereas since its inception, the Economic and Social Committee has repeatedly discussed migrant workers' problems, particularly in its opinions on Regulations and Directives concerning the free movement and social security of migrant workers, and in its opinions on the social situation in the Community and matters pertaining to migration;

Whereas the current position in labour-exporting and labour-importing countries as regards migration should be known as accurately as possible, through precise information and statistics compiled according to a Community method;

Reaffirming the need to integrate the action programme in the Community's social policy, and have due regard to the programme's extremely close links with employment policy and other EEC policies;

Affirming that the Council ought to adopt the action programme as a matter of urgency, and thus enable the various implementing measures to be taken by

means of Regulations, Directives and other instruments provided for in the Treaty;

Whereas it is necessary to ensure that the programme is a clear-cut, practical instrument by (a) specifying the priority of certain measures *vis à vis* others; (b) laying down dates and deadlines; (c) providing the requisite funds,

HAS ADOPTED THE FOLLOWING OPINION

with two abstentions:

The Committee approves the action programme in favour of migrant workers and their families, subject to the following general and specific comments and proposals:

I. GENERAL COMMENTS AND PROPOSALS

1. MIGRATION AND THE ACTION PROGRAMME

1.1. First and foremost, the Committee would congratulate the Commission on having drawn up the programme and submitted it to the Council. The programme covers measures of great importance which are designed to further the interests of a particular sector of society, namely migrant workers.

1.2. Over the years, the Community (that is to say, the Commission and the Council) has given effect to clear-cut provisions of the Treaty of Rome, such as Articles 48 and 49 (freedom of movement) and Article 51 (social security for migrant workers). The Council has also adopted two recommendations, one on housing and one on the social services.

Migrant workers from non-member countries have been outside the range of Community action. Yet the nationality mix of the migrant labour force in the EEC has been completely reversed in recent years. For the first 10 years following the inception of the European Community, the bulk of migrant workers came from within the Community (Italy in particular). In the past few years Community workers have accounted for only 30 % of the total, the remaining 70 % coming from non-member countries. The new pattern is particularly apparent at the moment.

1.3. The Committee would preface its comments by an expression of regret at the delay in drawing up and submitting the programme. The Community has let the best years of economic growth slip by, without adopting an overall approach to the issue. When the economy was expanding, the problems were less critical than they are now. Yet throughout those years, the Committee repeatedly called the Commission's and the Council's attention to the magnitude and urgency of migrant workers' problems. It did so in its opinions on the Commission's annual reports, its opinions on social policy guidelines, and in various other documents. The sheer number of migrants and the importance of related issues mean that further delay in Community action is inadmissible.

2. THE FEATURES OF THE PROGRAMME

2.1. *A GLOBAL PROGRAMME*

2.1.1. The Committee agrees with the Commission that the programme ought to be drawn up and implemented on the basis of an overall approach. In other words, the programme must cover every relevant issue and side issue — including the pertinent aspects of economic, regional, industrial and development policies.

2.1.2. An overall approach presupposes a thorough knowledge of the quantitative and qualitative aspects of migration. It also calls for concrete, objective analysis of the economic and social situation of the labour-exporting countries and of those countries' demographic policies.

2.1.3. Finally, having an overall approach means that the programme must cover all migrant workers, whether they be nationals of Member States or of non-member countries. This does not imply abolition of the distinction between workers from within the EEC and workers from non-member countries. The Treaty provides definite legal norms which apply solely to workers from within the EEC. But all discrimination between EEC and non-EEC workers as regards living and working conditions will gradually have to disappear, and so the programme must also cover migrant workers from non-member countries. Reference should be made here to the Council resolution of 21 January 1974.

2.2. *THE ECONOMIC ASPECTS OF THE PROGRAMME*

2.2.1. In order to resolve migration problems properly, it is necessary to take stock of the advantages and disadvantages of migration for labour-importing and labour-exporting countries. The Committee appreciates the efforts made by the Commission in this area in the introduction to the action programme, and urges this effort be continued.

2.2.2. The Committee would reiterate a point made in its opinion of June 1973 on the social situation in the Community, viz. the perpetual danger of considering migrant workers purely and simply as factors of production. This applies just as much to countries who export labour because of their particular needs, as it does to host countries.

2.3. *THE ROLE OF REGIONAL POLICY*

2.3.1. Migration may have had, and may still have, a considerable adverse impact on the economic and productive equilibrium of the various Community regions. As the Commission notes, migration 'has contributed to the concentration of resources and manpower in the Community's central areas' to the detriment of economic advance in the under-developed regions. There is, therefore, an urgent need for a balanced policy on area planning in the EEC. There is a close connection between regional policy and the problems besetting the under-developed, labour exporting areas of the Community.

2.3.2. The Committee refers back to previous opinions on regional policy matters. As far as migration is concerned, the Committee reaffirms that 'a major effort must be made to achieve industrial decentralization and to pursue a vigorous regional-development policy within the Community'.

2.3.3. With this in mind, the Committee reiterates the need to encourage the creation of jobs in areas where manpower is available. It is not enough merely to state that emigration ought not to be 'the outcome of economic pressures', but 'an expression of the right to choose employment'. The requisite funds must be provided to increase job opportunities, but workers should not be forced to leave their countries and families in order to earn a living.

2.4. *THE APPLICATION OF INDUSTRIAL, AGRICULTURAL, SOCIAL AND DEVELOPMENT-COOPERATION POLICIES*

2.4.1. The Committee has no doubt that there is a very close relationship between migration policy and the other EEC policies, notably those on industry, agriculture and development cooperation. The Commission should try to see to it that Community action in these sectors helps to resolve migration problems.

2.4.2. The common agricultural policy has a considerable potential contribution to make. The exodus from the land and the ageing of the farming population are due, in many cases to migration from under-developed areas to industrial centres. Thought should be given as to how agriculture and the rural regions can attract and use young workers. For it is the young workers who are foresaking the land because they are attracted by industry and the wages it offers.

2.4.3. Lastly, the Committee welcomes the fact that the Council has made the programme a central component of EEC social policy. This makes it possible to use basic instruments, such as the EEC social fund and social security machinery, in the interests of migrant workers and their families.

2.4.4. An action programme in favour of migrant workers cannot be isolated from the contribution that the Community must make at international level towards establishing a better, balanced employment situation in all areas where large numbers are out of work.

2.5. *FUNDS TRANSFERRED BY MIGRANTS TO THEIR COUNTRIES OF ORIGIN*

2.5.1. Remittances to countries of origin are an economic issue. They are mentioned here because,

although remittances by Community workers are dealt with by Regulation (EEC) No 1612/68 on freedom of movement, rules still have to be laid down (except in certain specific cases) for workers from non-member countries.

2.5.2. Given the present state of the international exchange market, the Committee draws the attention of the Commission and the Council to the need to lay down precise, fair legal rules (a) permitting migrants from non-member countries to send their savings to their families in their place of origin, and (b) ensuring that exchange losses or devaluation do not reduce the money value of remittances, and make them insufficient for the aims pursued at great sacrifice by migrant workers.

3. EEC ACTION ON BEHALF OF MIGRANT WORKERS

3.1. *THE PRACTICALITY AND TIMELINESS OF THE ACTION*

3.1.1. The Committee welcomes the programme, but feels that it should not only specify measures, but also (and above all) give dates and deadlines for their implementation. Unless practical proposals are made, and dates and deadlines laid down for their implementation, the Community cannot claim to have a real social policy.

3.2. *THE LEGAL BASIS FOR IMPLEMENTING THE PROPOSALS*

3.2.1. The Committee considers that the legal problem can be resolved on the basis of the Treaty. Where the Treaty makes express provisions, these must constitute the legal basis. Accordingly, free-movement proposals should be based on Articles 48 and 49, and social-security proposals on Article 51. Proposals pertaining to the EEC Social Fund should be based on Articles 123 *et seq.*

3.2.2. Where the Treaty contains no express provision capable of serving as a basis for individual proposals, two courses of action remain open. The first is use of Article 235. The second, coordinating the migration laws and policies of the Member States and labour-exporting countries.

3.2.3. As regards use of Article 235, the Committee would point to all the occasions on which it has called for application of this Article for social policy ends, in particular in respect of matters mentioned in Articles 117 and 118. The Committee welcomes the statement made in the Council resolution of 21 January 1974 concerning a social action programme, to the effect that the Council is willing to use Article 235. Experience with the use of Article 235 as the basis for Regulations, Directives and recommendations on migrant workers will show whether it is capable of satisfying the social exigencies of the Community.

3.2.4. The second possibility lies in coordinating Member States' migration laws and policies, and a coordinated Community policy on migration from non-member countries. The Commission refers to this point in the programme, where it says that it is vital to 'establish coordination, at Community level, of the national policies of Member States towards migration and migrants, as well as taking the problem of migration into account in drawing up Community policies in other areas'.

3.2.5. More generally, whatever legal basis is adopted the application of existing and future measures should be supervised and migrant workers should be fully informed of their rights.

4. THE OBJECTIVES OF THE PROGRAMME

4.1. *THE ELIMINATION OF DISCRIMINATION*

4.1.1. The Commission considers that one of the basic objectives of the programme is the gradual elimination of all discrimination in respect of migrants' living and working conditions. The Commission holds that this should apply to non-member country migrants.

4.1.2. The Committee concurs with this objective and would make the following comments:

(a) any remaining discrimination between indigenous workers and Community migrant workers must

be eliminated in accordance with the general principles of the Treaty. Happily, such discrimination is not practised on a large scale, although it is widespread enough to prevent Community migrant workers from thinking of themselves as 'European citizens', that is to say active members of the Community of States created by the Treaty of Rome;

(b) consideration should be given to the scope for eliminating discrimination between State nationals and non-Community migrants in respect of working conditions, vocational training, social security benefits, trade union rights, the right of migrant workers to be accompanied by their families, etc. Ways should also be examined of making it easier for non-EEC workers to obtain work in a Member State and take up permanent residence after they have lived there for some time.

4.1.3. Everything possible must be done to integrate migrant workers — whatever their origin — into the life of the host country, side by side with indigenous workers. It is in this light that the Committee will assess the individual proposals of the programme, and the programme as a whole.

4.2. *TRANSCENDING NATIONAL BOUNDARIES*

4.2.1. Partial solutions to migrant workers' problems will be facilitated greatly if the concept of nine 'national territories' can soon be transcended and supplanted by the concept of a single 'Community territory'.

4.2.2. The problem is undeniably political, and cannot be resolved merely from the angle of Community social policy. But the problem is also a technical one, and fraught with practical implications. The Treaty's draftsmen were inspired by the idea of a 'Community territory' of six (now nine) countries. They looked on the free movement of individuals, goods and capital as the initial, tangible manifestation of their unitarian approach.

4.2.3. Examples of what could be achieved for Community migrants by a broader and more advanced concept of 'the Community territory' are:

(a) the straightforward, rational elimination of the remaining discriminations in the field of social security;

(b) the review of measures dictated by the need to safeguard public order and public health;

(c) full enjoyment of trade union rights by all workers from EEC Member States;

(d) the gradual granting of civic and political rights to migrant workers;

(e) coordination of policies on migration.

4.3. *COLLABORATION OF EMPLOYERS' ORGANIZATIONS AND TRADE UNIONS*

4.3.1. Collaboration and mutual agreement between the Council, the Commission and all interested organizations are required in order to (a) finalize the programme, (b) formulate practical proposals, (c) identify the relative importance of measures which will have to be adopted over a long period of time, and (d) put the proposals into effect.

4.3.2. Furthermore, the Commission and the Council must take advantage of the expertise and practical experience of Community bodies such as the Standing Committee on Employment and the Advisory Committees on Freedom of Movement for Workers, Vocational Training, the Social Fund and Social Security for Migrant Workers. The time has come to make use of the European Foundation for the Improvement of Living and Working Conditions, which could be instructed to carry out studies and research.

4.3.3. Significant results cannot be obtained without direct constant collaboration with trade unions and employers' associations at EEC level and, above all, in the Member States. These organizations are on the spot and in constant contact with the categories of migrant worker involved. They are, therefore, in a better position to know migrant workers' needs and aspirations, and take the appropriate steps in agreement with national regional and local authorities.

4.3.4. The Committee is willing to collaborate as regards specific proposals and the programme's general guidelines and underlying principles.

5. THE ECONOMIC SITUATION AND MIGRANT WORKERS

5.1. To round off these general comments, the Committee would draw the attention of the member governments and the Commission to the awkward implications for migrant workers and their families of the economic recession in the EEC.

In recent months unemployment has increased considerably in the Nine, albeit to a varying extent from one country to another. A fresh wave of redundancies is on the horizon, due to the rescaling, restructuring and reorganization of firms. In some EEC regions, many firms are on short time. Not all workers on short time are covered by guaranteed earning schemes which ensure that they receive a proportion of wages for the hours they are laid off. Migrant workers are often the first to be put on short time, and many of them have been made redundant or live in fear of dismissal.

5.2. In order to come to grips with this state of affairs, urgent measures must be taken to ensure that production picks up again as soon as possible. Moreover, the Member States should implement Directive 75/129/EEC of 17 February 1975 on the approximation of the laws of the Member States relating to collective redundancies. The Committee welcomed the draft version of this Directive in an opinion adopted on 27 June 1973.

5.3. At all events, the Committee considers that the following social security measures are necessary and urgent:

(a) re-appraisal of Council Regulations (EEC) No 1408/71 and (EEC) No 574/72 on the application of social security schemes to employed persons and their families moving within the Community. The aim here would be to: (i) eliminate immediately restrictions on eligibility for unemployment benefits, (ii) place unemployed EEC migrants on the same footing as unemployed nationals;

(b) adoption of a Council resolution urging the Member States to draft and implement as a matter of urgency, a programme of social assistance for redundant EEC nationals who are forced to return to their countries of origin;

(c) adoption of a Council resolution urging the Member States to apply bilateral agreements with a great deal of flexibility and progressively to give migrants from non-member countries the same unemployment benefits entitlement.

II. SPECIFIC COMMENTS AND PROPOSALS

6. PRELIMINARY REMARKS

6.1. Before turning from the general to the specific elements of the programme, the Committee would reiterate one particular point (which also applies to the above). At least for the present and the immediate future, the aim of abolishing discrimination does not necessarily have to be pursued by adopting uniform rules applying to both EEC workers and migrants from non-member countries.

6.2. In certain spheres, differences rooted in the nature of the legal instruments used and the contents of the relevant provisions may, and perhaps should, persist as regards free movement and social security for migrant workers, and migrants' eligibility for civic and political rights.

6.3. On the other hand, workers, whatever their country of origin, must be treated alike with regard to the following: employment contracts, wages, working conditions (working hours, weekly rest days, paid holidays, seniority, protection of women, and the like), collective agreements, social welfare, housing, social services and so forth, vocational training and general education, and occupational health and safety. In these spheres, the abolition of discrimination has concrete effects.

7. FREE MOVEMENT OF WORKERS AND ALLIED RIGHTS

7.1. *FREE MOVEMENT*

7.1.1. In the Council resolution of 21 January 1974, it is explicitly stated that the action programme in favour of migrant workers is to aim, in particular, 'to improve the conditions of free movement, within the Community, of workers from Member States'.

7.1.2. The legal basis is provided by Articles 48 and 49 of the Treaty, and two instruments adopted on 15 October 1968, namely Council Regulation (EEC) No 1612/68 and Council Directive 68/360/EEC on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families. The current rules constitute a radical innovation. The earlier systems were, in fact, the result of bilateral or multilateral agreements, and were based on priority for national workers. In essence, the current rules replace the concept of 'migrant worker' by that of 'worker from a Member State who moves to another Member State to find work or take up employment'. This is more consonant with the Treaty of Rome.

7.1.3. It is as well to stress, however, that a migrant from one of the EEC Member States does not lose his nationality and acquire 'European citizenship'. The unification of the territories of the Nine, together with the implementation of free movement, will eventually lead to the abolition of all nationality-based discrimination appertaining to employment, pay and other working conditions, including social security. But the individual worker remains a national of one Member State. He is a 'Community worker', and the Community element will become more and more important as the alignment of national social laws, under Articles 117 and 118 of the Treaty, gains momentum and starts to take effect. But he is not yet a 'Community citizen' (or a 'European citizen', to use a common term).

7.1.4. The 'status' of European workers clearly hinges on full application of provisions of free movement. These provisions erode and limit the scope of national laws on the legal status of aliens, but do not make them completely redundant. Of course, this national legislation (described by the Commission in its programme as 'very restrictive'), applies more to workers from non-member countries than to workers from within the EEC. Nevertheless, the latter may be affected by such legislation, albeit to a lesser degree than non-Community workers.

Accordingly, the Committee would reiterate a point made in its opinion of 29 November 1973 on the social action programme: 'Member State legislation on aliens which does not prevent unjustified decisions by the relevant authorities should be reviewed in all the Member States in accordance with liberal, constitutional and democratic principles'.

7.1.5. The Commission admits that 'there remain, however, certain difficulties to the full achievement in practice of free movement'. It numbers among these difficulties the fact that Member State citizens who seek jobs in other Member States lack the fullest possible information on vacancies, and the categories of workers and the skills required. The Commission adds that the European system for the exchange of information about labour supply and demand (SEDOC) is due to be in operation by mid-1975.

The Committee welcomes the Commission's initiative, which it would like to see implemented as soon as possible, but fears that SEDOC will not become operational until 31 December 1975.

7.1.6. The Committee would confirm the position which it has adopted in this regard on various occasions in the past:

(a) it pressed for an employment policy designed to ensure optimum matching of supply and demand on the labour market;

(b) it stated that under a progressive employment policy, the free movement of labour ought to be considered as an individual right of the worker;

(c) it deplored the inefficiency of clearance machinery for matching job vacancies and job-seekers. This had failed to function in practice. Lessons should be learned from the practical experience acquired and the machinery should be used more.

7.1.7. The Committee would:

(a) point out that it would be useful, and perhaps necessary, to work out a list of activities and occupations; this would facilitate exchanges of information on labour supply and demand, through Community clearance machinery;

(b) recommend that the Commission reform the Advisory Committee on Freedom of Movement for Workers, and convene it more often. This will bring to light what the interested

occupational groups consider are the problems involved in applying Regulation (EEC) No 1612/68. Their ideas can then be used in overcoming the problems.

7.2. *PRIORITY OF EMPLOYMENT FOR COMMUNITY WORKERS*

7.2.1. 'The introduction of an effective system of job information is important not only in matching supply and demand on the Community labour market, but in facilitating the practical operation of Community preference'. This view, stated by the Commission in its programme, is shared by the Committee.

7.2.2. The Committee considers that the principle of priority for Member State nationals in employment must be maintained and applied. Workers coming from other Member States must be put in a different category to workers from outside the Community, and must be treated in the same way as the indigenous worker. This will enable workers from Member States to feel that they genuinely are 'Community workers' and not just nationals of a Member State. This is one of the ways in which a European awareness and a European will can develop in this particular field.

Given the current considerable stresses on the Community labour market, the Committee believes that the principle ought to apply, not only to access to employment, but also to security of employment. It asks the Commission to submit specific proposals to this end as soon as possible. The interests of workers from non-member countries ought, on the other hand, to be protected by migration policies and in accordance with the Council resolution of 21 January 1974.

7.3. *THE RIGHT TO REMAIN*

7.3.1. The right to remain in the territory of a Member State after having worked there ties in with the subjective right of free movement. The question is of importance for both the employed and self-employed who have exercised an activity in a Member State other than their country of origin by virtue of the right of establishment or the freedom to supply services.

In its action programme, the Commission proposes extending to employed workers from the Community 'the more favourable residence rights' which have been proposed for the self-employed. These rights have, in fact, already been enacted by Council Directive 75/34/EEC of 17 December 1974 on the right of nationals of a Member State to remain in the territory of another Member State, after having pursued therein an activity in a self-employed capacity. Among the more interesting provisions of Directive 75/34/EEC is one whereby a period spent by the self-employed worker on military service or to satisfy military obligations may be considered as not interrupting his continuity of residence.

7.3.2. The Commission's proposal strengthens the right of Community workers and their families to freedom of movement. The Committee endorses the proposal.

7.3.3. In passing, the Committee emphasizes that the right to remain in a Member State is tied up with the housing issue (discussed below). Take the case of a house or other accommodation built by the employer and rented out to the employee. How can the worker and his family hold on to their home once his employment contract has terminated? At all events, when an EEC migrant's employment contract is terminated, that migrant ought to receive the same treatment as an indigenous worker in the same circumstances.

7.4. *MINOR SOCIAL SECURITY BENEFITS*

7.4.1. In its programme, the Commission finds itself obliged to admit that 'full equality of treatment' has not been attained between nationals of host countries and EEC migrants as regards living and working conditions. 'Certain imperfections and gaps still remain'. As a remedy, the Commission proposes extending to workers from other Member States and their families 'those social benefits which are, directly related to the exercise of paid employment and which are at present, confined by the Member States to their own nationals'. The examples quoted include reduced public transport fares, aid to large families (apart from family allowances) and special aid to the handicapped (apart from social security benefits).

The Committee fully agrees with the Commission's proposal. Acceptance of the proposal will eliminate the current discrimination as between nationals and EEC migrants (bearing in mind that such discrimination is felt more acutely by the EEC migrant because it affects his everyday life). But this is not all, it will also cause the concept of the 'Community worker' to crystallize. This concept will break down the barriers at the frontiers between the Nine, eliminate small irritants and painful humiliations and create an awareness of tangibly belonging to the Community.

The Court of Justice has held that the abovementioned benefits should be granted as a part of equality of treatment. Such action would, therefore, constitute a correct interpretation of the law as it stands at present, rather than an extension of rights. The mention of migrant workers' relatives as being eligible for the abovementioned social benefits is, however, of particular significance, especially in the light of the decisions of the Court of Justice. The Committee trusts that the Commission will take action on the basis of these decisions to support efforts by workers to abolish discriminatory practices that still exist.

7.5. THE RE-UNITING OF FAMILIES

7.5.1. An extremely important proposal by the Commission is that the Member States should be induced to give 'the right of entry to all those members of the mirgant's family who are dependent upon him or who lived under the same roof in the country of origin'.

7.5.2. This question is governed by Article 10 of Regulation (EEC) No 1612/68, which lays down that a worker from a Member State may be accompanied or joined by his family, provided that he has available 'housing considered as normal for national workers in the region where he is employed'. The said Article 10 gives a definition of the migrant worker's family or rather of the composition of such a family viz. 'his (the worker's) spouse and their descendants who are under the age of 21 years or are dependents', and 'dependent relatives in the ascending line of the worker and his spouse'.

7.5.3. But side by side with what might be termed a rigid definition, Article 10 gives another wider and more realistic one. This includes relatives who are 'dependent on the worker' ... 'or living under his roof'.

In the Committee's view, the family members authorized to accompany the EEC migrant worker or join him in the host country should comprise the spouse, descendants who are minors or dependants, relatives in the ascending line of the worker or the spouse, and other relatives providing they are dependent on the worker and live in accommodation he occupies (or had occupied) in his country of origin. Only this enlarged concept of the migrant worker's family (adopted in international labour recommendation No 151 of June 1975) is capable of facilitating the free movement of EEC workers.

7.5.4. It is clear that Article 11 of Regulation (EEC) No 1612/68 ought to apply to all the relatives covered by the enlarged definition. Article 11 provides that relatives to whom it applies 'shall have the right to take up any activity as an employed person throughout the territory of that same State, even if they are not nationals of any Member State'.

7.6. TRADE UNION RIGHTS, AND OTHER ALLIED PUBLIC LAW RIGHTS

7.6.1. In its action programme, the Commission states that it is necessary 'to eliminate the obstacles which still exist in certain Member States with regard to the exercise of trade union rights, including the right to participation as a trade union representative in the management of public law bodies and for the exercise of public law office'.

7.6.2. We shall deal with the Commission proposals one by one.

A. Trade union rights

7.6.3. The Committee's position is that migrant workers from Member States ought to enjoy trade union rights in the widest sense of the term, or, in any event, to the same extent as nationals of the host country. Discrimination in this field would be unacceptable. It would, in any case, conflict with international labour convention No 87 on freedom of association and protection of the right to organize, and with international labour convention No 98 on the right to organize and collective bargaining. These conventions have been ratified by most of the Member States.

As a result of the Commission's proposal, which the Committee approves, the EEC migrant ought to be able to join trade unions and exercise the rights of trade union members, including voting rights. He should also be eligible for membership of the executive organs of trade unions. It should be possible for him to be granted powers of representation in collective bargaining, in negotiating and settling disputes, and in all matters connected with his production activities.

B. Eligibility for membership of representative bodies in undertakings

7.6.4. The programme makes no mention of EEC migrants being eligible for membership of worker's representative bodies in undertakings. There is good reason for this. The latter part of Article 8 (1) of Regulation (EEC) No 1612/68 already provides that 'a worker who is a national of a Member State and who is employed in the territory of another ... shall have the right of eligibility for workers' representative bodies in the undertaking'.

7.6.5. All the same, the Committee would expressly endorse this right of the EEC migrant. It is a right which has become more significant recently, and may become still more important in virtue of Community legal instruments.

C. Public law rights

7.6.6. The question is more difficult when, as the Commission proposes, it comes to extending to migrant workers from Member States a number of public law rights, such as the right to hold offices governed by public law, and the right to take part in the management of bodies governed by public law.

7.6.7. In order to place the matter in its proper perspective, the Committee points out that we are not concerned here with the general issue of the exercise of public rights or the holding of public office; we are solely concerned with those offices and rights of the individual which are connected with work and vocational activity. The sole purpose of the extention of rights is to prevent or abolish discrimination between EEC migrants and nationals of the host country. It must also be remembered that migrant workers exercise such rights and hold such offices as representatives appointed by their trade unions.

7.6.8. The Committee considers that migrant workers from other EEC countries should be just as entitled as their national counterparts to take part in the management of social security and health insurance bodies. Migrants also ought to have the right to sit on other public bodies concerned with labour protection. Article 8 of Regulation (EEC) No 1612/68 should therefore be reviewed with a view to extending its scope definitively. The Committee feels trade union and employers' organizations ought to have complete freedom of choice, and be able to appoint immigrant workers to institutions in which they are represented.

Adoption of this solution will entail changing some national and administrative provisions. But there is no question of entering the field of political rights, and amending either constitutional law or legislation on the organization and operation of public authorities (such as national economic and labour councils).

7.7. MUTUAL RECOGNITION OF DEGREES AND DIPLOMAS

7.7.1. The Commission's programme stresses that, in order not to hamper the free movement of workers, it is necessary to accelerate progress towards 'the mutual recognition of degrees and diplomas, certificates and other national qualifications, the lack of which limits the access to employment'. There has been considerable delay in this field.

7.7.2. The Committee realizes that the delay is due to the irresolution of governments, and resistance on the part of the occupational groups concerned. It approves the Commission's proposal that mutual recognition should cover not only degrees and diplomas, but also all other vocational qualifications needed by wage-earners, self-employed workers and workers in the professions.

7.7.3. Mutual recognition should apply to degrees, etc. relating to the whole gamut of occupational qualifications. In this connection the Committee would refer back to its opinion of 27 June 1974 on

the draft for a Council resolution on guidelines for the mutual recognition of degrees, diplomas, certificates and other evidence of formal qualifications.

Here it was stated that 'the directives on the mutual recognition of occupational qualifications should be extended to cover all wage-earners in the relevant occupation'.

7.7.4. The Committee considers that its opinion of 24 April 1975 on education in the European Community is not at odds with the abovementioned opinion of 27 June 1974. The latter puts the emphasis on the mutual recognition of degrees, diplomas and courses of study and refers to 'academic' recognition and to the 'equivalence of certificates, diplomas and degrees to allow the continuance of studies'. The earlier opinion is concerned with the academic studies and not with employment.

7.7.5. The Commission and the Council, while having due regard to Article 45 of Regulation (EEC) No 1612/68, should push ahead with efforts to obtain mutual recognition for vocational qualifications. Such mutual recognition should be based on practical comparison of what requirements have to be fulfilled in order to obtain qualifications.

7.8. *CONFLICTS OF LAW*

7.8.1. In its action programme, the Commission stresses the need 'to protect the migrant worker by a Community Regulation which would establish the principle that the applicable legislation in matters of conflict of laws in labour relations, should be that of the country in which the migrant works.'

7.8.2. On 23 February 1972, the Commission submitted to the Council a proposal for a Regulation on conflicts of labour laws. The Committee's opinion on the proposal was delivered on 30 November 1972.

7.8.3. The Committee endorses the proposal for a Regulation. It re-affirms its opinion, and calls on the Council to examine the proposed Regulation and adopt it with due urgency. This will not only ensure certainty as to the law, but will also help to protect migrant workers who are abliged to have recourse to tribunals or courts.

8. THE SOCIAL SECURITY OF THE MIGRANT WORKER

8.1. *GENERAL REMARKS*

8.1.1. Freedom of movement and social security for workers and their families moving within the Community are the cornerstones of the EEC's social policy. In turn, this policy rests on Articles 48, 49 and 51 of the Treaty. It has been implemented by various Regulations laying down clear-cut rules.

8.1.2. As a preliminary to examining and appraising the Commission's social security proposals, the Committee would congratulate the Commission and the Council on what they have done to make EEC migrant workers eligible for social security benefits. This is a delicate and difficult area, and the relevant EEC instruments are satisfactory. All the same, there is room for improvement by adopting the Commission's proposals (about which more will be said below) and others which the Committee wishes to submit.

8.1.3. The Committee would point out that, on the one hand, there are EEC rules on social security that apply to migrants from any of the nine Member States. These rules are embodied in Regulations. On the other hand, the rules applying to non-EEC migrants are enshrined in bilateral agreements between individual Member States and non-member countries. A clear distinction should be drawn between the two sets of rules.

8.2. *SOCIAL SECURITY FOR COMMUNITY WORKERS*

8.2.1. *The current position and the Commission's views*

8.2.1.1. Member State nationals' social security is governed by Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security systems to employed persons and their families moving within the Community, and by implementing Council Regulation (EEC) No 574/72 of 27 March 1972. These two Regulations have been amended and consolidated by later Regulations improving the way in which benefits are allocated.

8.2.1.2. In the action programme, the Commission states that migrants' social-security and health-insur-

ance cover should be increased and consolidated 'in order to eliminate the disadvantages still confronting migrant workers'. To this end, it outlines measures that need to be taken as a matter of urgency. The Committee will appraise each of these measures separately below.

8.2.2. *Uniform system for the payment of family allowances*

8.2.2.1. In accordance with Regulation (EEC) No 1408/71, eight Member States pay families remaining in the country of origin the allowances to which they would be entitled if they were residing in the country of employment. Only France pays family allowances equivalent to those payable in the country of origin. The Commission has submitted a draft Regulation eliminating discrimination due to the worker's family remaining in the country of origin.

The Committee delivered an opinion welcoming this proposal on 24 September 1975. It can do no more than endorse this opinion.

8.2.3. *The coordination of non-contributory schemes*

8.2.3.1. The Commission notes that 'apart from social security benefits in the strict sense of the term, certain Member States have mixed legislation relating at the same time to social security and social assistance'. The Commission adds that 'Community Regulations for social security have proved inadequate for such mixed legislation'. Consequently 'specific Community Regulations should be introduced to ensure that migrants have the right ... to equality of treatment with national workers, in the export of the allowances deriving from national legislation'.

8.2.3.2. The Committee agrees with the Commission, and calls on it to submit a draft Regulation to the Council as soon as possible. There should be no great difficulty in obtaining the adoption of such a Regulation, for the Court of Justice has repeatedly upheld the entitlement of EEC migrants to the benefits in question.

8.2.4. *The social security of self-employed workers*

8.2.4.1. In its action programme, the Commission states that there should be an EEC Regulation on 'self-employed migrants'. By this it means farmers, craftsmen, small traders and members of the professions who have taken advantages of the right of establishment or freedom to supply services, and moved from their countries of origin to another Member State. The Commission states that the Regulation should grant self-employed migrants 'the same rights as are enjoyed by wage-earning migrants in respect of equality of treatment, the right of aggregation of periods of insurance and export of benefits'.

8.2.4.2. The Committee agrees and calls on the Commission to submit a draft Regulation to the Council as soon as possible. As a body voicing the needs of the occupational groups concerned, it has repeatedly urged the Commission to propose, and the Council to adopt, a social security system for self-employed migrants.

8.2.4.3. Regardless of whether the Council adopts a completely new Regulation, or a Regulation amending Regulations (EEC) No 1408/71 and (EEC) No 574/72 and extending them to cover self-employed workers, the system should enshrine the following principles:

(i) There should be absolute equality of treatment, without restrictions based on length of residence, such equality should not be conditional on reciprocity.

(ii) The applicable legislation should be that of the Member States in which the self-employed worker carries on his business.

(iii) Preservation of rights should be achieved by basing eligibility for benefits and the levels of such benefits on insurance-period aggregation.

(iv) The exportability of benefits should (as Article 10 of Regulation (EEC) No 1408/71 allows) be achieved by considering the other eight Member States' territories to be that of the Member State of employment for this particular purpose. This principle should apply to all the risks covered in respect of both self-employed workers and their families.

8.2.5. *Other proposed measures*

8.2.5.1. Finally, the Commission considers that it is necessary 'to eliminate progressively, and as soon as possible, all other disparities still existing in the Community Regulations'. The Commission explains that 'it is mainly a question of conditions of award, of calculation and export of certain benefits; of certain special methods of application of national legislation, as well as the maintenance in force of certain provisions in bilateral agreements'.

8.2.5.2. The Committee agrees with the Commission and requests that it submit proposals for Regulations to the Council without delay.

8.2.5.3. It would draw the Commission's and the Council's attention to the following matters, for which it is very important that a solution be found:

(i) Unemployment benefits

8.2.5.4. Under the regulations in force, unemployed migrants remaining in the host country are treated as unemployed nationals for the purposes of entitlement to unemployment benefits. But what of the migrant worker who loses his job and wishes to return to his country of origin? In order to be eligible for unemployment benefits, he has to remain available for work for at least four weeks in the Member State where entitlement has been acquired. Even then, the benefits are only payable for a maximum of three months (Article 69 and 71 of Regulation (EEC) No 1408/71). In exceptional cases the government department or institutions concerned may, however, reduce the four-week period or extend the three-month period.

8.2.5.5. The Committee refers back to its opinion of 28 March 1974. As regards the first issue, it would observe the stipulation that migrant workers must remain available for work in the Member State where they have acquired entitlement to benefits for four weeks after becoming unemployed is, perhaps, not entirely justified in the current economic and social situation, which is such that it is not easy to find re-employment. The Member States can make use of their right to reduce the four-week period.

8.2.5.6. As regards the second issue, the Committee feels that a Community migrant worker who has earned entitlement to unemployment benefit ought to be able to obtain this benefit in any Member State, and his entitlement should be just the same as if he had continued to reside in the State where he acquired entitlement.

In the present circumstances, the maximum period of three months for payment of unemployment benefit is too short. Unemployment benefit would be paid for a much longer period if the worker were to remain in the country where he was employed.

The Committee thinks the period should be lengthened to at least six months. When extending this period, Member States can take the opportunity of extending — until it is practically certain that re-employment is ruled out — the period for which migrant workers have to remain available for re-employment.

Extension of this period of entitlement to unemployment benefit would be a step towards parity of treatment in this area between indigenous workers and Community migrant workers. As regards the export of social security benefits, the time has come to scrap the concept of nine separate territories and replace it with that of a single Community territory. A Community migrant worker who is entitled to unemployment benefit ought to be able to exercise that right in any Member State, and his entitlement should be just the same as if he were still living in the country where he acquired entitlement. The Committee asks the Commission to look into the difficulties involved in achieving these aims, and to make appropriate proposals as soon as possible.

(ii) Payment of pensions

8.2.5.7. This matter has a dual aspect: it concerns both the payment of pensions and the stabilization thereof.

(a) As regards the first aspect, the Committee's opinion of 28 March 1974, stressed that Article 46 (3) of Regulation (EEC) No 1408/71 was both unfair and illogical. This Article, in fact, states that the benefits must be reduced whenever the total amount of the benefits due to the worker exceeds that of the 'highest theoretical amount of benefits'. The Committee reiterates this view, and calls for this rule to be amended. It is completely

inconsistent with a contributory insurance system and incompatible with the guidelines laid down by the Court of Justice of the European Communities.

(b) As regards the second aspect, the Committee believes that any pension rights already acquired in a given Member State should be considered definitively acquired. This will avoid the need for recalculation should the worker concerned subsequently acquire further rights in other Member States.

(iii) The definition of invalidity

8.2.5.8. In its opinion of 25 January 1967 on the draft which was later to become Regulation (EEC) No 1408/71, the Committee called for a Community definition of invalidity for pension purposes. This was, it said, preferable to the adoption of comparative tables of criteria for the recognition of invalidity. The Committee stated that such tables were liable to be detrimental to the interests of EEC migrants, because of the wide range of medico-legal invalidity criteria used in the various Member States legislations. In its opinion of 28 March 1974, which has been quoted repeatedly in the foregoing, the Committee returned to the matter. Again it stressed the need 'to align social security law at national level, at least in respect of invalidity evaluation, as part of the overall approximation provided for in Article 118 of the Treaty'.

8.2.5.9. Before such alignment can be achieved some Member States will have to make changes, in many cases radical changes, in their present systems. Alignment will be possible only after lengthy, thorough research and the Committee urges the Commission to undertake such research.

(iv) Simplification of procedures

8.2.5.10. The Economic and Social Committee considers that machinery should be introduced or refined, as the case may be, to ensure maximum simplification of procedures for establishing entitlement to payment of benefits, for exporting benefits and for producing and storing the relevant records.

8.2.5.11. Referring once again to previous Committee proposals, it calls for the following moves to be made in order to simplify paperwork, improve the provision of information and speed up procedures:

(a) an 'international record book for social insurance' should be adopted. This should contain particulars of the holder's job career in the countries where he has been employed. It should also certify entitlement to benefits (sickness benefit, injury benefit, family allowances, pensions, etc.);

(b) electronic data-processing should be introduced without delay to deal with the data arising out of application of Regulation (EEC) No 1408/71 (Article 116);

(c) there should be a fresh drive for greater simplification of paperwork.

8.2.6. *The advisory committee*

8.2.6.1. The Committee considers that the considerable burden placed upon the Commission by the proposals so far made could be lightened. The Commission can do this by making constant and maximum use of the Advisory Committee on Social Security for Migrant Workers, set up by Regulation (EEC) No 1408/71. The Committee deplores the fact that, in common with other bodies, the Advisory Committee has not been very active over the years. It therefore urges the Commission to convene the Advisory Committee at regular intervals with a view, above all to consulting it on technical matters and on how best to deal with them.

8.3. *THE SOCIAL SECURITY OF WORKERS FROM NON-MEMBERS COUNTRIES*

8.3.1. *The legal situation*

8.3.1.1. For obvious reasons, the Treaty does not regulate the social security of migrant workers from non-member countries. Furthermore, EEC Regulations on social security do not apply to them. The matter is to a certain extent governed by:

(a) the international labour conventions on social security, where the States concerned have ratified them;

(b) association agreements between the EEC and individual labour-exporting countries;

(c) multilateral agreements and bilateral agreements between individual Member States and individual non-member countries.

8.3.2. *Adoption of a Community system*

8.3.2.1. Here we have one of the more obvious cases of a conflict between the law, on the one hand, and justice and fair play, on the other. Migrant workers from non-member countries play a part in the industrial life of the various host countries. They also pay various taxes, and the earnings-related social security and health insurance contributions required of all workers. It is, therefore, unfair if they do not acquire an entitlement to benefits.

8.3.2.2. In its action programme, the Commission states that 'many categories of social security benefits do not apply to non-member country migrants, while others are subject to long qualifying periods'. It goes on, 'Family benefits are often confined to children residing in the host country, and there are severe limitations on the export of other benefits. Periods of employment and insurance in different Member States are not aggregated for the purpose of determining entitlement to benefit'.

8.3.2.3. The Committee considers that, even though this state of affairs is correct in law, it is socially unfair and should be changed in the migrant's favour. The time has come to induce the individual States concerned to apply to workers from non-member countries a social security system providing them with benefits on a par with those enjoyed by Community migrants in similar circumstances. Naturally, this cannot be done overnight. Indeed, this is an objective 'to be achieved progressively' in short stages. It is interesting to note that the provision of social security cover for migrants from non-member countries is not linked to free movement for such workers. These are two different things. A Member State may, for economic or political reasons, limit or restrict the immigration of workers from a given non-member country. But it may not withhold from migrants who are working and legally domiciled in its territory, the same entitlement to social security and health insurance cover that is afforded to its nationals and EEC migrants.

8.3.2.4. The Committee is therefore in favour of extending social security to migrant workers from non-member countries. It supports the Commission's moves in this direction and makes the following comments.

From the legal point of view, the objective may be pursued as follows: invoking Treaty Article 235, the Council should as a first stage adopt an 'outline European agreement' on social security for migrants from non-member countries. This outline European agreement should explicitly lay down minimum standards. Such standards would enable agreements to be aligned 'upwards' on the basis and in the spirit of Articles 117 and 118 of the Treaty. If necessary, the outline agreement could specify reciprocity.

8.3.3. *The individual proposals*

8.3.3.1. The Commission enumerates repeatedly, almost as if to stress them, the measures which it proposes for implementation of the programme 'by progressive stages', in order to achieve 'equality of treatment with Community workers'.

8.3.3.2. The Economic and Social Committee endorses the Commission proposals and makes the following comments:

(i) in some Member States citizenship of the State is a prerequisite for eligibility for certain social security benefits. Citizenship requirements should be abolished;

(ii) family allowances should be granted to migrant workers on the same basis as to national workers, irrespective of what country the migrant worker's family resides in;

(iii) migrants should be allowed to export to their country of origin any rights definitely acquired when they were employed in the Member States;

(iv) the right to aggregate insurance periods should be recognized so that migrants are entitled to benefits under the provisions of bilateral agreements;

(v) migrants from non-member countries should be eligible for Community benefits, including non-contributory benefits, while they are working or residing in the territory of a Member State.

9. THE WORKING CONDITIONS OF MIGRANT WORKERS

9.1. *EQUALITY OF TREATMENT*

9.1.1. Equality of treatment must cover:

(a) access to vocational guidance and placement services;

(b) access to employment and vocational training;

(c) promotion on the basis of merit and experience;

(d) job security;

(e) pay;

(f) working conditions;

(g) trade union membership and rights;

(h) living conditions, including housing and access to the social services and to educational and medical facilities.

9.1.2. Although the above list covers just about the entire Community action programme, the Committee will try and deal with the items one by one, distinguishing as far as possible between (a) migrant workers' working conditions and (b) their living conditions.

9.2. *ACCESS TO VOCATIONAL GUIDANCE AND PLACEMENT SERVICES*

9.2.1. On 18 July 1966, the Commission adopted a recommendation concerning the expansion of vocational guidance services.

9.2.2. In view of the time which has elapsed since then, the Committee would very much like to see a review of the situation, followed by a Council Decision. The Committee is convinced that vocational guidance and training are vital if freedom of movement for workers is to be achieved.

9.2.3. As far as access to placement services is concerned, the Committee points out that Article 5 of Regulation (EEC) No 1612/68 states that: 'A national of a Member State who seeks employment in the territory of another Member State shall receive the same assistance there as that afforded by the employment offices in that State to their own nationals seeking employment'. The Committee considers that this provision could also be applied to migrant workers from non-member countries who are legally resident in a Community State.

9.2.3.1. The Committee would draw the Commission's attention to the advantage of setting up, under the auspices of employment offices and services, a public service with the task of recruiting and placing migrant workers, issuing residence and work permits, legalizing the situation of directly recruited workers in those Member States where direct recruitment is illegal, and laying down the wording and terms of employment contracts.

9.3. *EMPLOYMENT CONTRACTS AND TERMS OF EMPLOYMENT*

9.3.1. Equality of treatment should also apply to the various statutory terms of employment, and terms of employment set out in employment contracts.

An employment contract between an employer and a migrant worker should not be legally binding unless it meets the following criteria: (a) it should be in writing, (b) it should be drawn up in the languages of both the employer and the worker, (c) it should be clear, straightforward and comprehensible. The trade unions and employers' organizations should collaborate on the drafting of employment contracts.

9.3.2. The Committee considers that Community and non-Community migrants must enjoy the same treatment as that laid down for nationals by the host country's laws, collective agreements and court judgments as regards:

(a) pay;

(b) working hours and the length of the working week;

(c) weekly days off;

(d) paid annual holidays, including training and study leave;

(e) paid public holidays;

(f) treatment on expiry of contract, and termination of employment;

(g) terms of employment for women and adolescents;

(h) all other terms of employment regulated by statutory law, by collective agreement, by other provisions or by custom.

9.3.3. Social legislation must provide for checks to ensure that Community and non-Community

migrants are getting the same terms of employment as nationals. The Committee would like the Member States to send regular reports to the Commission, which could then draw up an assessment of the situation every two or three years. Such reports should also be submitted to employers' organizations and trade unions via the competent consultative committees as suggested in paragraphs 4.3.1 and 4.3.2 of this opinion.

9.3.4. The Economic and Social Committee has great confidence in the effectiveness of State supervision through labour inspectorates, and in the vigilance and cooperation of employers' associations and unions.

9.4. *TRADE UNION RIGHTS OF MIGRANT WORKERS FROM NON-MEMBER STATES*

9.4.1. Migrant workers from non-member states, like their Community counterparts, ought to have the same trade union rights as nationals.

9.4.2. Furthermore, in some countries there are still obstacles which make migrant workers from non-member countries ineligible for membership of bodies representing workers. The Committee urges that all such barriers be removed.

9.5. *VOCATIONAL TRAINING*

9.5.1. First of all, the Committee would recall the action which the Commission and the Council have taken with respect to vocational training. This includes (i) the approval of the 'ten general principles for the implementation of a common vocational training policy' (1962), (ii) the adoption of 'general guidelines for the drawing-up of a vocational training action programme at Community level' (1971), and (iii) the adoption of a Council resolution on a social action programme (1974). The Committee would also draw attention to its study on education and vocational training in the Community (1973) and to its opinions on the setting-up of a European institute for vocational training and guidance (1974) and on education in the European Community (1974), as well as to the various opinions on the social situation in the Community delivered over the years.

9.5.2. The Committee considers that the Commission must push ahead with its work on coordinating national vocational training policies, and that more must be done, both in countries of origin and in host countries, to prepare migrants for work and further their career prospects.

9.5.3. It is preferable that general and multi-skill training be given to all workers so that if they are obliged to emigrate from the country of origin, they will be trained and able to take up a job in the host country. On the other hand, training in a specific skill and retraining should take place in the host country. For this reason, the Committee agrees with the Commission that the following measures should be taken:

(a) greatly increased provision of intensive courses of vocational training, prior to the migrant's departure for his new job;

(b) the introduction in the vocational training centres of the Member States, that is to say both countries of origin and host countries, of measures 'to ensure that migrant workers have sufficient facilities to acquire skills or improve their qualifications';

(c) introduction of pilot schemes for vocational training, with the help of the Berlin-based European Centre for the Development of Vocational Training;

(d) development of programmes designed to give migrants practical training which will be of use to them in finding employment when they return to their country of origin.

9.5.4. The Committee also agrees that exchanges of language specialists and teaching aids should be organized. The mobility of language and other teachers within the Community must be facilitated and increased. It is extremely useful for teachers in state and private schools to go abroad, so as to acquire a knowledge of migrant workers' educational and vocational training needs. When such teachers return to their home countries, the knowledge they have acquired will help them to train would-be emigrants in the skills required by the host country.

As indicated by the Commission in its action programme, the mass media should be used more widely for the cultural, linguistic and vocational training of migrant workers.

9.5.5. A few words should be said here about language courses. The integration of migrant workers into working life — and, later on, their social advancement — depends on their knowledge of the host country's language. It is much easier for the migrant worker to adapt to his new environment if the language of the host country is taught by public authorities or institutions in the countries of origin. But, if the migrant worker does not know the language of the host country when he arrives, the State as well as public and private welfare institutions must see to it that he acquires a knowledge of the language or languages of that country, possibly during working hours. Thus, we come to the Commission's last proposal, regarding 'the introduction in all Member States of the paid day-release system, to allow migrant workers to acquire adequate language and vocational training' (some Member States have already introduced this system).

9.5.6. But a preoccupation with teaching the host country's language should not lead us to disregard the migrant worker's right to his own culture and his own language. Where there are large numbers of a certain nationality present in the host country, part of their general tuition and vocational training should be given in their mother tongue. A number of training and information sessions should be given in migrants' mother tongues, so as to make sure that they can retain their cultural identity.

9.5.7. The Committee gives its full backing to this proposal. It believes that consideration can be given to granting workers time off with pay for the purpose of learning the language of the host country. Such courses should be run in accordance with the paid day-release systems in force, or to be introduced in the Member States.

ILO convention No 140 and ILO recommendation No 148 provide for paid educational leave, and apply to all workers within signatory countries. Once ratified, they will thus apply to migrant workers. The Community should, nevertheless, introduce arrangements under which migrants receive paid leave to attend courses in the host country's language.

9.6. *THE EUROPEAN SOCIAL FUND*

9.6.1. The funds necessary for vocational training could be provided by (i) the State and public authorities, (ii) the employers, or (iii) the Community, through the European social fund.

9.6.2. After long consideration of the scope and function of the social fund, both from a general point of view and with particular reference to vocational and language training for migrant workers, the Committee would refer back to:

(a) The Council Decision of 27 June 1974. Under this Decision, the fund can be used for operations forming part of an integrated programme designed to facilitate the employment and geographical mobility of persons who have moved, or who are moving, from one Member State to another to take up a job. An integrated programme is taken to mean 'the set of measures necessary to ensure effectiveness and continuity of action throughout successive phases of migration, which may range from preparation for emigration to return to the country of origin';

(b) The Committee opinion on the proposal for a Council Decision on intervention by the social fund to encourage structural adjustment measures. In this opinion, the Committee asked that the social fund be used to help migrant workers in respect of 'measures designed either to avert a possibility of migrant workers being sent back to their countries of origin because of unemployment, or facilitate the return and reintegration of migrant workers in their countries of origin'.

9.6.3. The Committee wishes to stress the urgency of financial contributions by the European social fund to training, retraining and reemployment measures for Community and non-Community migrant workers. Implementation of the abovementioned 'integrated programmes' could help towards this.

10. MIGRANT WORKERS LIVING CONDITIONS

10.1. *EQUALITY WITH RESPECT TO LIVING CONDITIONS*

10.1.1. Apart from equal working conditions, the migrant worker and his family must have the same living conditions as the native population. The migrant worker has a right to such equality. Even social assistance should not be looked on as charity but as a real and genuine right, granted under the auspices and protection of the State and the public authorities.

10.1.2. In order that such equality may be effective, the Committee considers it essential that a whole set of coordinated measures be taken in both countries of origin and host countries as regards preparation for emigration and adaptation to living conditions in the host country after arrival.

10.1.3. Firstly, migrant workers and their families should receive appropriate psychological, cultural and vocational preparation before emigrating.

The Commission states, and the Committee concurs that 'the most important (shortcomings) is the fact that migrants do not have adequate information about the living and working conditions that they can expect to find in a new country'. Before leaving their home countries migrants should, either in their mother tongue or in another language of which they have an adequate command, be informed as to (i) their rights, (ii) potential opportunities for social advancement and integration in the host country, (iii) the living conditions, customs and habits of the citizens of the host country, (iv) the climate and seasons and (v) the cost of accommodation, food and transport. They should also be provided with details of taxation and prescribed contributions to social security schemes, etc., and with any other particulars which they are likely to need in their daily life.

10.1.4. Secondly, steps must be taken to ensure that the indigenous population accepts migrant workers and their families. The Committee stresses that such action must be furthered by host countries, and adequately funded. Migrants and their families encounter less prejudice, and community relations are improved, if reception is properly organized and the local population is made aware of the economic and cultural contributions made by migrants.

There are three pre-requisites here:

(a) adequate training of the staff whose task it is to receive migrants;

(b) the inclusion among reception staff of persons of the same ethnic origin as the migrants;

(c) the training and use of persons to render practical assistance (e.g. letter-writing, filling in forms).

10.2. *SOCIAL WELFARE AND SOCIAL SERVICES*

10.2.1. The Committee considers that if the living conditions of migrants and their families are to be on a par with those of nationals, it is absolutely vital to have a comprehensive national policy on social welfare, and to implement this policy either directly or via the social services of both the country of origin and the host country. Welfare policy is partly a matter of providing information, but it also involves action to reunite families, assistance with obtaining and purchasing accommodation, education in cultural matters and vocational training for workers and their children, language tuition, the provision of facilities for leisure activities, hobbies and sport.

10.2.2. The Committee considers that, while adapting to their new environment, migrant workers must also be able to preserve and build on their cultural heritage, and to hand down that heritage to their children. The important thing is to give migrants the opportunity to choose between either 'cultural assimilation' or cultural cooperation and collaboration.

First and foremost, the host countries must:

(a) recognize the right of migrants' cultural organizations to seats on the relevant advisory bodies, and provide grants and facilities (culture centres, libraries and so forth) which allow migrants and their families to pursue cultural activities within their own community;

(b) provide appropriate facilities for teaching the language of the host country;

(c) familiarize the indigenous population with the migrant's culture;

(d) ensure that immigrants can express their own philosophies of life and can practise their religion freely;

(e) prepare and transmit radio and television programmes (including cable TV);

(f) take a stand against discrimination (in cultural activities, etc.).

10.2.3. But direct or indirect action by the host country is not sufficient, and neither is the welfare assistance provided by major trade unions and employers' organizations in some Member States. The social services in both the country of origin and the host country must play their part.

The Committee notes that, on 23 July 1962, the Commission addressed to the Member States a recommendation on the activities of social services with regard to workers moving from one Member State to another.

In spite of the steps taken by individual Member States in accordance with the recommendation, the social services have not been able to do enough. The Committee, therefore, urges that the recommendation be converted into a Council Decision. The Committee would point out that the Member States are not spending enough in this field. It urges the Commission to give attention to this matter and draft a Regulation coordinating the various ways that the social services of the relevant Member States are funded.

10.2.4. A sufficient number of social workers should be provided. The social fund could be used to finance their training on the basis of Article 3 of Council Decision 74/327/EEC of 27 June 1974.

The Committee also seeks — agreeing in this with the Commission — that pilot schemes be introduced to determine how the social welfare bodies existing at national and international level can best assist migrant workers and their families.

10.3. *ACCOMMODATION FOR MIGRANT WORKERS*

10.3.1. According to Article 10 of Regulation (EEC) No 1612/68, Community migrant workers are entitled to be accompanied by their families only if they 'have available for their family, housing considered normal for national workers'. On the other hand, Article 9 of the abovementioned Regulation states that 'a worker who is a national of a Member State shall enjoy all the rights and benefits accorded to national workers in matters of housing, including ownership of the housing he needs'.

This equality of treatment with respect to accommodation is a *de jure* right which applies — and this point should be emphasized — to Community migrants only. But the *de facto* situation, the daily reality, is different owing to housing shortages and the cost of accommodation and to a host of specific factors peculiar to migrants.

10.3.2. The Committee notes that, on 7 July 1965, the Commission adopted a recommendation to the Member States concerning the housing of workers and their families moving within the Community. The Commission recommended that Member States 'adopt the requisite laws, regulations or administrative provisions and take any other action required'.

The implementation of the recommendation by the Member States has helped to improve the housing conditions of migrant workers. Nevertheless, the Commission stresses the need 'for considerably greater efforts'.

10.3.3. Referring to the annual opinions which the Committee delivers on the social situation, the Committee would once again emphasize the scale and gravity of the housing problem, and point out that migrant workers are particularly badly affected. The Committee calls on the Commission and the Council:

(a) to carry out a full and realistic survey of the housing needs of Community and non-Community migrants;

(b) to work out a plan for financing, by the host countries, the building and management of low-cost housing;

(c) tho introduce, in the light of ECSC experience, pilot schemes providing migrant workers and their families with modern accommodation at reasonable cost.

10.3.4. Pending the finalization and phased introduction of the programme, the Committee reiterates the comments which it made in 1973 regarding the need for stricter control of boarding houses and hostels for migrants, rents, amenities, etc. Such control is necessary in order to eliminate the serious malpractices which frequently occur.

10.3.5. Finally, restrictive laws which make the reunification of families contingent on the availability of proper accommodation should be made as flexible as possible. In order that these laws should no longer present an obstacle to the reunification of families, the conditions for obtaining accommodation and for reunification of families must at all events be no stricter than those which apply to national workers in similar circumstances.

10.4. *EDUCATION OF MIGRANTS WORKERS' CHILDREN*

10.4.1. We have decided to devote a separate section to the education of migrant workers' children

on the ground that this is an important, difficult matter. It is important because of the number of children involved. It is difficult because planning is hampered by unforeseeable fluctuations in migration trends and by the differences in the preparation for emigration given to children of migrants, and especially those of migrants from outside the Community.

10.4.2. The Committee would refer to the 'right to education' granted to the children of Community migrants under Article 12 of Regulation (EEC) No 1612/68. The Committee has already adopted a position on some aspects of the question of education for children of migrant workers. In the explanatory report accompanying the present opinion, some of the principles previously laid down by the Committee have been married with the proposals put forward by the Commission in its education and migrant workers programmes, and condensed into an eight-point blueprint for a coordinated course of action by the Member States which would take due account of specific needs of migrants and of the possibilities open to the host countries.

10.4.3. Three of the points referred to — the special acclimatization classes and courses, provision in the normal school curriculum for courses on the civilization and language of the country of origin, the recruitment of teachers from labour-exporting countries — are already covered in the Commission proposal for a Council Directive on the education of the children of migrant workers. The Committee will shortly deliver an opinion on this proposal.

10.4.4. In addition to these three points, the Committee considers that the Member States must take suitably planned and coordinated measures to:

(a) encourage, with the assistance of public and private bodies, the organization of 'assisted and supervised study periods' after school hours, in order to ensure that children who require additional tuition receive it;

(b) admit migrant workers' children, on the same basis as other children, to holiday camps and nursery schools; to grant them scholarships, exemptions and other facilities in the normal way;

(c) encourage the education authorities of both host countries and labour-exporting countries to cooperate on the education of the children of migrant workers. The aims of such cooperation would include the award to migrant workers' children of diplomas of recognized equivalence. Such diplomas would be drawn up in the child's mother tongue and would state the level of education attained;

(d) exchange information, experience and teaching material; to embark on research and pilot studies into teaching methods;

(e) guarantee education up to school leaving age for migrant workers' children. In the course of the child's education, standard records should be compiled, containing full particulars of the child's school career and health. Such information would be of help in assessing the child's level of scholastic attainment.

10.5. *HEALTH PROBLEMS AND PREVENTIVE ACTION*

10.5.1. The Commission devotes a chapter of its action programme to the health of migrants and their families. The Committee welcomes this, because migrant workers may suffer from specific diseases, or be more prone to certain diseases than indigenous workers. Similarly, specific problems are raised by the conditions under which Community and non-Community migrants live, and these problems hamper diagnosis and cure.

10.5.2. The first and most serious problem is that of patient-doctor communication. Unless appropriate measures are taken, it is difficult to find a solution because migrant workers often have a poor command of the language of the host country.

10.5.3. Then there are organizational problems. The Committee considers that:

— the following are desirable:

(a) special medical advisory facilities, staffed by general practitioners and specialists with a knowledge of the migrant's language;

(b) courses for doctors and paramedical staff which include periods of training in institutions or hospitals in the migrant's country of origin;

(c) the setting up of medical centres staffed by doctors and paramedical staff from the migrant's country of origin;

— the following are necessary:

(a) employment of specialist social workers, and setting up of interpreting services for medical and social matters;

(b) printing short bilingual glossaries of medical terms, and their distribution among patients.

10.5.4. Finally, the Committee points out that:

(a) when migrant workers from Community countries fall sick, they should be covered by the current provisions of Regulations (EEC) No 1408/71 (14 June 1971) and (EEC) 574/72 (21 March 1972) on social security schemes for employed persons and their families moving within the Community;

(b) in the case of migrant workers from non-member countries, and in the absence of more favourable bilateral agreements, the Council of Europe's European convention of 11 December 1953 on social and medical assistance should apply. This convention has already been ratified by all the Nine.

10.5.5. The prevention of employment injuries to migrant workers, which the Commission deals with under the section on health, should be treated separately.

The Committee takes note of the Commission's undertaking to present proposals in the near future on 'preventive medicine and socio-medical services, as well as training migrant workers in the prevention of industrial accidents and illnesses'. It notes too that migrants often do dangerous and unhealthy work, which leads to accidents, and refers to the study on the prevention of occupational accidents, adopted by the Economic and Social Committee on 27 February 1975.

10.5.6. In its study, the Committee called upon the Commission to establish a Community body responsible for promoting the education and training of workers, developing a standard system of warning signs, symbols, etc. and translating accident prevention rules. In brief, this body should publish 'a series of documents as a help towards overcoming the complex psychological problems which arise when migrant workers enter a new living and working environment'.

10.6. *REPATRIATION OF THE MIGRANT WORKER*

10.6.1. The Commission's action programme does not deal explicitly with the return home of Community and non-Community migrant workers.

10.6.2. It was stated above that the migrant worker should be given the choice between assimilation in the host country or return to his country of origin, and a list was made of possible motives for returning home. The Committee draws the attention of the Commission and the Council to the need to help the migrant worker and his family when he returns to his country of origin. Possibilities here include the provision of information on job opportunities, the retention of rights acquired in the host country, and the recognition of certificates and diplomas obtained in the host country.

10.7. *STATISTICS ON MIGRATION*

10.7.1. In rounding off this discussion, reference should be made to the pressing need for studies and statistical surveys which will yield fairly accurate figures on the numbers involved in intra-Community migration, the individuals concerned and action taken in the interests of migrants. Such statistics are a prerequisite for social programmes.

10.7.2. The Committee also considers that the Council should adopt as a matter of urgency the proposal for a Council Regulation on the establishment of homogeneous statistics concerning foreign workers. In its opinion of 28 March 1973 on the above, the Economic and Social Committee welcomed the proposal, and affirmed that a 'Community policy on employment' could only be pursued on the basis of knowledge of the relevant facts and statistics. Such data had to be at least homogeneous, frequently updated, accurate and available within a reasonable period. They should cover nationality, sex, branch of economic activity, occupation, age, region and family situation.

11. CIVIC AND POLITICAL RIGHTS

11.1. *THE GRADUAL CONCESSION OF CIVIC AND POLITICAL RIGHTS*

11.1.1. The Committee has devoted particular attention to this matter, partly on the basis of proposals from the Commission and previous Committee opinions.

11.1.2. We are not talking here of fundamental civil liberties (freedom of expression and of association), or of protecting the essential needs of everyday life. Aliens may already exercise these rights by virtue of private international law, irrespective of whether they are migrant workers. What we are concerned with are those public-law rights of the individual which, to date, have been the prerogative of nationals.

11.1.3. Having regard to the decisions taken at the Paris summit conference, the Committee is in favour of extending civic and political rights to migrant workers by stages and in a spirit of cautious realism, pending the creation of 'Community citizenship'. Among the points to bear in mind:

(a) such rights should be granted firstly at local, then at regional, and finally at national level (due allowance should be made for the stage of integration achieved in the individual Member States);

(b) such rights would be granted only to migrant workers who can be considered to have settled permanently (i.e. residence of five or seven years). Workers emigrating for a stay of one, two or three years, with the avowed intention of returning home thereafter, would be excluded;

(c) migrant workers should be allowed to exercise political rights in their country of origin (for example, by postal votes or by voting in embassies), until they are granted political rights in their host country.

11.1.4. As regards the actual recognition of civic and political rights, the Committee:

(a) would reiterate the request which it made in June 1972 for urgent steps to allow general introduction of the system already working in some parts of Belgium (Liège, several boroughs on the outskirts of Brussels, Limburg), Germany and the Netherlands. Under this system, committees and bodies of immigrant workers or their representatives have been formed, mainly to advise local authorities. Account should be taken of previous experience in setting up such committees and bodies and they should only be formed at the request or with the consent of the immigrant workers concerned;

(b) asks that as soon as possible, and at all events by 1980, permanently-resident migrant workers be granted the right to vote in local elections and stand as candidates in such elections. The participation of Community workers in the running of local authorities is a 'legitimate assumption of responsibility by migrant workers in their civic community';

(c) asks the Commission: (i) to study methods of extending civic rights at provincial, regional and national levels and timetables for such measures, and then formulate appropriate proposals; (ii) to look into all the other problems connected with the assimilation of the Community worker into civic life (such as naturalization, the granting of citizenship, compulsory national service and so on) and with private international law (divorce, status of unmarried mothers, etc.).

11.1.5. The forthcoming election of the European Parliament by universal suffrage, in line with the decisions taken at the Paris summit, will raise certain problems with respect to migrant workers. The Commission and the Council should immediately start to work out how it can be made easier for migrant workers to exercise voting rights in the Member State where they are employed.

11.2. *PARTICIPATION IN ALL 'TECHNICAL BODIES'*

11.2.1. The Committee considers that Community migrant workers — working through the machinery used in the host country, and preferably through the appropriate trade organizations — should play an increasing role in all state and semi-state bodies which deal with matters of concern to them.

11.2.2. The Committee urges the Commission to carry out a country-by-country inquiry, so as to ascertain what state and semi-state bodies there are of the type mentioned above. This inquiry would be followed by the submission of detailed proposals which would serve to convince Community migrants that they have the same legal rights as indigenous workers.

12. ILLEGAL IMMIGRATION

12.1. The action programme in favour of migrant workers and their families devotes a chapter to illegal immigration. In this chapter, the Commission condemns illegal migration, identifies its causes, outlines its adverse effects on the labour market — as well as on the protection of workers, and concludes with a promise to propose concrete remedies.

On 24 June 1975, the International Labour Conference adopted Convention No 143 on illegal migration and the fostering of equal opportunities and equal treatment for migrant workers. This requires contracting states to eradicate illegal migration and the illegal employment of migrants. Persons behind the traffic in illegal migrants are to be prosecuted.

12.2. The Committee shares the Commission's concern. It welcomes the Commission's interest and determination to use every means to combat illegal migration.

In addition, the Committee:

(a) urges the Commission:

1. to call on the Member States to ratify International Labour Convention No 143, or at least part one thereof;
2. to arrange meetings between the relevant politicians and officials of the Member States with a view to harmonizing administrative provisions, regulations and penalties;

(b) calls on the Member States to carry out a survey of illegal migration in their respective territories.

13. COORDINATION OF MIGRATION POLICIES

13.1.1. As the crowning point of its programme, the Commission points to the need for Community-level coordination of the Member States' policies on migration.

13.1.2. In this connection, the Committee would refer to its opinion of 28 June 1972 on the development of the social situation in the Community. The Committee finds that the Commission's approach to the problem provides a suitable basis for concrete decisions. This, despite the fact that the part of the programme which deals with the coordination of migration policies does not contain an explicit definition of: (a) the general framework, namely the common employment policy, within which coordination is to occur (this point has already been stressed by the Committee); or (b) the relationship between the free movement of Community workers, migration and the employment of migrant workers from non-EEC countries.

13.1.3. The Committee agrees with the Commission's view that coordination presupposes fairly regular reviews of the various aspects of the migration situation and labour market requirements, including (i) the rate of migration; (ii) its nature, i.e. whether temporary or permanent; (iii) the geographical origin of migrants, and their occupations; and (iv) the scope for employing migrant workers in host countries.

13.1.4. In carrying through this coordination, due account should be taken of regional policy, the common development policy and all other common policies (regardless of whether they are specifically provided for in the Treaty of Rome). In this connection, measures allowing migration from non-member countries must be at least temporarily suspended at times when other workers from such countries are being compelled to return home because they cannot find work.

13.1.5. Once the medium- and long-term objectives have been laid down, the subject matter for coordination would be selected by the Commission and the Ministers for Social Affairs of the Nine. The Commission would make the proposals and the Ministers for Social Affairs would take the final decisions.

Subject to the above, the Committee approves the Commission's initial proposals. It is particularly in favour of:

1. introduction of a standard, outline bilateral agreement for use by individual Member States and non-member countries.
2. work on a 'single agreement' between the Nine as a group and individual non-member countries. The aim would be to give form and substance to

the Community policy on migration and draw on the experience of various host countries. Above all, such an agreement would prove to the outside world that the Community is a social, economic and political reality.

3. the adoption of standard, minimum rules regarding immigration commitments by the Community in association agreements, and in certain trade agreements.

III. CONCLUSIONS

14.1. *PLACING THE ACTION PROGRAMME IN ITS PROPER CONTEXT*

14.1.1. The Committee would reiterate that the action programme in favour of migrant workers and their families should be fitted into the broader context of the EEC's social policy. The action programme should be assessed against the background of the common social policy. In this connection, an important point has already been made by the Committee in its opinion on European Union. Social policy is among the 'policies to be pursued in the European union', and one of the fundamental aims of that social policy is 'the development of a European policy on immigration from non-member countries, and particularly from the associated European and African States'.

14.1.2. In addition, the Committee would state, even at the risk of repeating itself, that the action advocated in the programme should be assessed and implemented as part of a Community employment policy. The term 'Community employment policy' should be taken in its broadest sense, and be based on criteria of economic utility and social betterment. The funds needed to finance the implementation of this policy 'must be allocated out of the Community budget'.

14.2. *THE LEGAL NATURE OF THE ACTION PROGRAMME*

14.2.1. The Committee notes that it was the Council that called for submission of an action programme. It is necessary to make a general evaluation of the programme, before the Commission is asked to propose Regulations and Directives implementing the individual measures mentioned in the programme. Some of these measures need to be taken as a matter of urgency, others in the medium or long term.

14.2.2. The Committee trusts that the Council will not merely take note of the programme, but will adopt a resolution or a Decision which lays down general principles, gives a timetable and formally calls on the Commission to submit draft Regulations and Directives on the individual measures proposed by the programme.

14.3. *THE CHARTER FOR MIGRANTS*

14.3.1. The European Parliament has asked the Commission to submit a 'charter for migrants', a document otherwise known as the 'statute for the migrant worker'.

The Committee has some doubts about the value of charters as vehicles for principles and guidelines of a political or economic nature. It will take a stand on the matter when the Commission submits a formal proposal.

14.4. *PRIORITIES AND DEADLINES*

14.4.1. Six of the proposed measures have already been accepted and implemented, or are in the process of being put into effect. These six measures are:

1. family benefits for members of migrant workers' families who remain in their home country;
2. the SEDOC system;
3. legislation on conflict of laws;
4. the exercise of trade-union rights;
5. the right to remain in the host country;
6. education of migrants' children.

14.4.2. The Committee considers that absolute priority should be given to:

(a) the suppression of illegal immigration;

(b) compilation of statistics and provision of information. The Commission should submit proposals on these matters by 31 January 1976. The Council should adopt the relevant Regulations and Directives without delay.

14.4.3. Next in order of priority comes the set of proposals on free movement and social security of Community workers, vocational training and language tuition. Proposals for all matters of concern to Community migrant workers should be submitted in the first half of 1976. The Council should adopt the relevant legal instruments by the end of 1976.

14.4.4. At the same time, the Commission should draw up measures on migrant workers from

non-member countries in the areas of social services, accommodation and health; the relevant proposals should be submitted in 1976, so that at least the most important ones can be adopted in 1977. Furthermore, in the first half of 1976 studies should be carried out and proposals drafted with a view to the submission of draft instruments of civic and political rights.

14.4.5. Lastly, work on the coordination of policies on migrants should commence in the early months of 1976.

14.4.6. Given the enormous amount of work involved, the above timetables and order of priorities are clearly just a rough guide. The Committee would, however, stress the importance it attaches to resolving the problems of Community and non-Community migrant workers it is essential to make up the delays which have occurred.

14.4.7. The Committee urges that the Community's annual budget be assigned the funds necessary for the implementation of the action programme. Here it is thinking in particular of the social and regional funds.

The Committee points out that some decisions which the Council has already taken on migrant workers are liable to be jeopardized by a shortage of funds.

14.5. *MIGRANT WORKERS AND EUROPEAN UNION*

14.5.1. This promising new concept of the European Economic Community began to acquire specific shape at the Paris summit conference. European union is relevant to migration issues. The Economic and Social Committee has included migration issues among the objectives and tasks of European union, and has pointed out that the union will come to nothing if it does not embrace the economic and social spheres.

14.5.2. The issues in question are covered by the action programme in favour of migrant workers and their families. The Committee endorses the action programme, and trusts that the Council will approve it by means of a Decision or resolution, thus proving that Community migrant workers will have civic and other rights in the future European union. Migrant workers from non-member countries will then look on the European union as a vehicle for improving the living and working conditions of all who work within its frontiers to the benefit of other individuals and the Community at large.

Done at Brussels, 30 October 1975.

The Chairman
of the Economic and Social Committee
Henri CANONGE

ANNEX

to the opinion of the Economic and Social Committee

1. The following amendments were rejected:

Item 2.1.3

Reword the second, third and fourth sentences as follows:

'The Treaty of Rome provides for precise rules for EEC workers. The Committee considers that as regards non-EEC workers, it is essential that outline agreements be negotiated

between governments, employers and trade unions in the Member States and their counterparts in migrants' countries of origin. Such agreements must afford non-EEC workers and their families full equality as regards social, economic and trade union rights.'

Result of the vote

For: 35; against: 46; abstentions: 4.

Item 4.1.2 (b)

Reword paragraph (b) as follows:

'(b) consideration should be given to ways of extending the following to non-EEC migrants: equal treatment with nationals as regards working conditions, vocational training facilities, social security benefits, trade union rights, and the right to be accompanied by one's family. And it is also necessary to examine and negotiate the conditions under which non-EEC workers may obtain work in a Member State and take up permanent residence after they have lived there for some time.'

Result of the vote

For: 31; against: 50; abstentions: 11.

Item 4.1.3

Reword the first sentence as follows:

'Everything possible must be done to afford immigrant workers equal rights in the host country, whether they come from another Member State or not.'

Reason given for proposing amendments

Items 4.1.2 (b) and 4.1.3 are linked together. They must be made clearer, in the interests of EEC and non-EEC workers.

Result of the vote

For: 9; against: 31; abstentions: 6.

Item 7.1.3

Reword as follows:

'One of the ways to move towards a people's Europe would be to introduce equal rights for all citizens of Member States. Only this, together with the implementation of free movement, will eventually lead . . .' (rest unchanged).

Reason given for proposing amendment

The Committee has agreed to delete references to territorial unification and European citizenship from its preliminary remarks in item 6.2. Item 7.1.3 should be aligned accordingly, as equality of rights is a solid base for subsequent evolution towards a social, democratic and progressive Europe.

Result of the vote

Against: majority; abstentions: 6.

Item 12.2 (a)

Delete the words:

'... or at least part one thereof'.

Reason given for proposing amendment

International Labour Convention No 143 deals with a whole series of matters relating to non-EEC migrants' rights. In the second recital, the Committee as a whole has accepted that it would be worthwhile to mention in the opinion's Appendix all relevant ILO Conventions, including No 143. It would therefore be wrong for it to qualify this standpoint in the body of the text.

Result of the vote

For: 21; against: 31; abstentions: 11.

2. Original version of the opinion submitted to the Committee by the Section for Social Questions

Item 2.2.1

The main thing is to resolve the problems of migrant workers and their families. Time should not be lost in endeavouring to establish whether migration is of greater benefit to labour-importing or labour-exporting countries. Migration is necessary to both sets of countries, and they both derive advantages and disadvantages.

Item 7.6.5

All the same, the Section would expressly endorse this right of the EEC migrant. It is a right which has become more significant recently, and will become more important still, when the Council adopts the Directives on public limited companies, above all the Directive on the statute for the European Company.

Item 8.2.5.5

The Section refers back to the Committee's opinion of 28 March 1974. As regards the first issue, it would observe that the economic and social situation is no longer consonant with the stipulation that for four weeks the migrant worker must remain available for work in the Member State where he has acquired entitlement to benefits. This waiting period was originally based on the possibility that the migrant might be re-absorbed by industry. In the present economic situation, such a possibility no longer exists. The Member States should instruct the relevant departments and institutions to make widescale use of the clause allowing them to reduce the four-week period.

Item 8.2.5.6

The Section considers that payment of unemployment benefit for three months only is a reasonable compromise. If the principle of equality of treatment as between national and migrant workers were observed rigorously, migrants, like national workers, would have to remain available for re-employment in the host country, in order to retain entitlement to benefit. Migrants who returned to their country of origin would lose all claim to unemployment benefit. To prevent this unreasonable state of affairs from arising migrants are, under Regulation (EEC) No 1408/71, entitled to benefit, even if they return to their country of origin. Save in exceptional circumstances, such benefit is payable for a period not exceeding three months.

Item 9.5.7

The Section gives its full backing to this proposal. It believes that consideration can be given to granting workers time off with pay for the purpose of learning the language of the host country. Such courses should be run in accordance with the paid day-release systems to be used in the Member States. In this connection the Section considers that it would be adequate if the Nine simultaneously ratified ILO Convention No 140 and undertook to apply recommendation No 148. Both instruments provide for paid leave for educational purposes.

Item 11.1.4 (a)

(a) Points to its request, made in June 1972, that the system already working in some districts of Belgium (Liège, some boroughs on the outskirts of Brussels, Limburg), Germany and the Netherlands be applied generally as soon as possible. Under this system, committees and bodies of migrant workers or their representatives have been set up, mainly to advise local authorities. Account should be taken of previous experience in this field, and of the wishes of the migrant workers concerned.